

***Francis Stewart, 5th earl Bothwell, c 1562-1612:***

***Lordship and Politics in Jacobean Scotland***

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Finally, an enormous debt of thanks is due to my parents and sister - I cannot begin to comprehend their love and faith. All I can say is 'Thank you'.

**DECLARATION**

I certify that this thesis has been composed by me, that the work is entirely my own and that no part of the thesis has been published in its present form.

Signed.....

30th April 1998.

**ABSTRACT**

Francis Stewart, fifth earl Bothwell, was the grandson of king James V, nephew of Mary, queen of Scots and cousin of James VI. In the late 1570's, he acquired the earldom of Bothwell and, with it, a national and local position to rival his royal heritage. The first four Hepburn earls Bothwell had established a strong position for themselves in Lothian and on the border, partly through astute political manoeuvring and partly through the misfortunes of others - most notably the earls of Dunbar and Douglas and the dukes of Albany. The fourth earl Bothwell (the uncle of Francis Stewart and husband of Mary, queen of Scots) had jeopardised the family estates through political exile and debt. It was left to Francis Stewart to recover position and influence - which he did through a variety of means.

The fifth earl Bothwell had enviable family connections which he utilised to the full: as well as the Stewarts and Hepburns, Bothwell was closely related to the Douglasses and Hamiltons, making him one of the most powerful forces in southern Scotland. He was well educated, at St Andrews and on the continent, and understood a range of languages. In terms of religious allegiance, Francis Stewart was a noted protestant as his father, John, and uncle, James (regent Moray), had been before him. Francis Stewart was also wealthy: he had received royal grants from an early age and, in the late 1570's, he pursued an astute marriage to a wealthy widow - Margaret Douglas (the daughter of the seventh earl of Angus, and widow of sir Walter Scott of Buccleuch). Also a patron of the arts and a willing huntsman, earl Bothwell had numerous qualities which endeared him to his cousin, James VI.

James entrusted Francis Stewart with a number of offices and positions: he was variously sheriff of Lothian and Berwickshire; great admiral of the realm; assistant



governor (during the king's absence in Denmark); ambassador to England; master of the king's horse; and keeper of Liddesdale. These rôles closely mirrored the earl's areas of interest at home and abroad. In some areas he was particularly active, in others, less so. The political functions Bothwell carried out greatly influenced his position at court and his place within local and national politics. James VI surrounded himself with men and women who, in the normal course of events, did not always agree on policy or procedure. Francis Stewart was one of the most vociferous opponents of John Maitland (chancellor 1587-95) and other of the king's most trusted servants. Such personal and political conflicts were, largely, resolved in the earl's favour prior to 1590. Following the king's return from Denmark in that year, however, Bothwell was faced with accusations of witchcraft and forfeiture. This resulted in military opposition to the king as well as plots for James's deposition and murder. Unsuccessful and disgraced, Francis Stewart went into continental exile in 1595, where he remained until his death in 1612.

Francis Stewart, fifth and last earl Bothwell, is often viewed as part of 'the lunatic fringe' of British politics in the years immediately prior to the Union of the Crowns in 1603. He was, in reality, much more than that. His relationship with the emergent kirk of Scotland was complex and wide-ranging. In addition to being commendator (lay abbot) of Kelso and Coldingham, he was patron of over fifty parish churches. His patronage and support of all shades of ecclesiastical opinion meant that he had the backing of a number of interesting parties when his political career faltered. The backing which Bothwell gained from other prominent political figures within and outwith Scotland during his years of disgrace also reflected a wide cross-section of interests and political opinion. Even while in disgrace, he remained a potent political threat. Although, ultimately, all support for the earl was futile, it meant that James VI

was rarely as secure on his Scottish throne as he would have wished and that the king constantly had to be aware a faction of his nobility who backed Bothwell from afar and were not scared to invoke his memory to further their own political ends.

The political career of the fifth earl Bothwell demonstrates the complexity of Jacobean Scotland and various contradictions of public and private policy. A close ally of James VI throughout the 1580's, Francis Stewart became, in the end, the greatest threat to the king's ultimate ambition of the English succession. He was, however, at no point a lone, isolated voice - his background and heritage and his political and religious supporters ensured that he spoke or acted for a significant proportion of the Scottish community - even when they did not always approve of his methods.

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## LIST OF ABBREVIATIONS

ADC	<i>Acta Dominorum Concilii. The Acts of the Lords of Council in Civil Causes</i> , 3 vols, edd. T Thomson, G Neilson, H Paton & A B Calderwood (London & Edinburgh, 1839-1993).
ADCP	<i>Acts of the Lords of Council in Public Affairs, 1501-1554. Selections from the Acta Dominorum Concilii introductory to the Register of the Privy Council of Scotland</i> , ed. R K Hannay (Edinburgh, 1932).
APC	<i>Acts of the Privy Council of England, New Series</i> , 32 vols, ed. J R Dasent (London, 1890-1907).
APS	<i>The Acts of the Parliaments of Scotland</i> , 12 vols, edd. T Thomson & C Innes (London, 1814-75).
Birrel, <i>Diary</i>	Birrel, R, 'Diary', <i>Fragments of Scottish History</i> , ed. J G Dalyell (Edinburgh, 1798).
<i>Books of Assumption</i>	<i>The Books of Assumption of the Thirds of Benefices: Scottish Ecclesiastical Rentals at the Reformation</i> , ed. J Kirk (Oxford, 1995).
BUK	<i>Acts and Proceedings of the General Assemblies of the Kirk of Scotland, from the year MDLX. Commonly known as 'The Booke of the Universall Kirk of Scotland'</i> , ed. T Thomson (Bannatyne & Maitland Clubs, 1839-45).
Calderwood	<i>The History of the Kirk of Scotland. By Mr David Calderwood</i> , 8 vols, edd. T Thomson & D Laing (Wodrow Society, 1842-9).
CBP	<i>Calendar of Letters and Papers relating to the Affairs of the Borders of England and Scotland preserved in her Majesty's Public Record Office</i> , London, 2 vols, ed. J Bain (Edinburgh, 1894-6).
CDS	<i>Calendar of Documents relating to Scotland preserved in her Majesty's Public Record Office</i> , London, 5 vols, edd. J Bain, G G Simpson & J D Galbraith (Edinburgh, 1881-1986).
CLP(F&D)HVIII	<i>Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII, preserved in the Public Record Office, the British Museum, and elsewhere in England</i> , 21 vols, edd. J S Brewer, J Gairdner & R H Brodie (London, 1862-1932).
Cowan & Easson	Cowan, I B, & Easson, D E, <i>Medieval Religious Houses: Scotland</i> (London, 1976).
CSP Dom	<i>Calendar of State Papers, Domestic Series, of the Reigns of Edward VI, Mary, Elizabeth, and James I preserved in the State Papers Department of Her Majesty's Public Record Office</i> , 12 vols, edd. R Lemon & M A Everett Green (London, 1856-72).
CSP For	<i>Calendar of State Papers, Foreign Series, of the Reign of Elizabeth, preserved in the State Papers Department of Her Majesty's Public Record Office</i> , 23 vols, edd. J Stephenson, A J Crosby, A J Butler, S Crawford Lomas, A B Hinds & R B Wernham (London, 1863-1950).
CSP For (Eliz)	<i>List and Analysis of State Papers, Foreign Series, Elizabeth I, preserved in the Public Record Office</i> , ed. R B Wernham, 6 vols (1964-93).
CSP Scot	<i>Calendar of State Papers relating to Scotland and Mary, Queen of Scots, 1547-1603, preserved in the Public Record Office, the British Museum, and elsewhere in England</i> , 13 vols, edd. J Bain, W K Boyd, H Meikle, A I Cameron, M S Giuseppi & J D Mackie (Edinburgh, 1898-1969).
CSP Span	<i>Calendar of Letters and State Papers relating to English Affairs, preserved principally in the Archives at Simancas</i> , 4 vols, ed. M A S Hume (London, 1892-9).
<i>Diurnal</i>	<i>A Diurnal of Remarkable Occurrents that have Passed Within the Country of Scotland since the Death of King James the Fourth till the Year</i>
ER	<i>Rotuli Scaccarii Regum Scotorum. The Exchequer Rolls of Scotland</i> , 23 vols, edd. J Stuart, G Burnett, A J G Mackay & G P McNeill (Edinburgh, 1878-1908).



EUL	Edinburgh University Library.
<i>Fasti</i>	<i>Fasti Ecclesiae Scoticae: the Succession of Ministers in the Parish Churches of Scotland, from the Reformation, AD 1560, to the Present Time</i> , 10 vols, edd. H Scott, J A Lamb & D MacDonald (Edinburgh, 1915-81).
Gray, <i>Letters</i>	<i>Letters and Papers Relating to Patrick, Master of Gray</i> , ed. T Thomson (Bannatyne Club, 1835).
<i>Hamilton Papers</i>	<i>The Hamilton Papers. Letters and Papers illustrating the Political Relations of England and Scotland in the Sixteenth Century, formerly in the Possession of the Duke of Hamilton, now in the British Museum</i> , 2 vols, ed. J Bain (Edinburgh, 1890-2).
<i>Historie</i>	<i>The Historie and Life of King James the Sext: being an Account of the Affairs of Scotland, from the Year 1566, to the Year 1596, with a Short Continuation to the Year 1617</i> , ed. T Thomson (Bannatyne Club, 1825).
HMC	Reports and Calendars issued by the Royal Commission on Historical Manuscripts.
<i>Kelso Liber</i>	<i>Liber Sancte Marie de Calchou. Registrum Cartarum Abbacie Tironensis de Kelso, 1113-1567</i> , 2 vols, ed. C Innes (Bannatyne Club, 1846).
Knox, <i>History</i>	<i>John Knox's History of the Reformation in Scotland</i> , 2 vols, ed. W C Dickinson (London, 1949).
<i>Laing Charters</i>	<i>Calendar of the Laing Charters, 854-1837</i> , ed. J Anderson (Edinburgh, 1899).
<i>LJC</i>	<i>Original Letters of Mr John Colville, 1582-1603</i> , ed. D Laing (Bannatyne Club, 1858).
<i>Moysie, Memoirs</i>	<i>Memoirs of the Affairs of Scotland. By David Moysie, MDLXXVII-MDCIII. From Early Manuscripts</i> , ed. J Dennistoun (Bannatyne Club, 1830).
NLS	National Library of Scotland.
<i>OPS</i>	<i>Origines Parochiales Scotiae. The Antiquities, Ecclesiastical and Territorial, of the Parishes of Scotland</i> , 2 vols, edd. C Innes & J B Brichan (Bannatyne Club, 1850-5).
<i>Pitscottie, Historie</i>	<i>The Historie and Cronicles of Scotland from the Slaughter of King James the First to Ane Thousand Fyve Hundreith Thrie Scoir Fyfein Zeir. Written and Collected by Robert Lindesay of Pitscottie</i> , 3 vols, ed. A J G, MacKay (STS, 1899-1911).
PRO	Public Record Office.
RHS	Royal Historical Society.
<i>RMS</i>	<i>Registrum Magni Sigilli Regum Scotorum. The Register of the Great Seal of Scotland</i> , 11 vols, edd. J M Thomson, J Balfour Paul, J H Stevenson & W K Dickson (Edinburgh, 1882-1914).
<i>RPC</i>	<i>The Register of the Privy Council of Scotland</i> , First Series, 14 vols, edd. J H Burton & D Masson (Edinburgh, 1877-98).
<i>RPC, Second Series</i>	<i>The Register of the Privy Council of Scotland</i> , Second Series, 8 vols, edd. D Masson & P H Brown (Edinburgh, 1899-1908).
<i>RSCHS</i>	<i>Records of the Scottish Church History Society.</i>
<i>RSS</i>	<i>Registrum Secreti Sigilli Regum Scotorum. The Register of the Privy Seal of Scotland</i> , 8 vols, edd. M Livingstone, D H Fleming, J Beveridge & G Donaldson (Edinburgh, 1908-82).
SBRS	Scottish Burgh Records Society.
SCHA	Scottish Catholic History Association.
<i>Scots Peerage</i>	<i>The Scots Peerage</i> , 9 vols, ed. J B Paul (Edinburgh, 1904-14).
<i>SHR</i>	<i>Scottish Historical Review.</i>
SHS	Scottish History Society.
Spottiswoode	<i>History of the Church of Scotland. By John Spottiswood, Archbishop of St Andrews</i> , 3 vols, edd. M Napier & M Russell (Bannatyne Club, 1850).
SRS	Scottish Record Society.

STS	Scottish Text Society.
TA	<i>Compota Thesaurariorum Regum Scotorum. Accounts of the Lord High Treasurer of Scotland</i> , 13 vols, edd. T Dickson, J B Paul, & C T McInnes (Edinburgh, 1877-1978).
<i>Thirds of Benefices</i>	<i>Thirds of Benefices, 1561-1572</i> , ed. G Donaldson (SHS, 1949).
<i>Wodrow Miscellany</i>	<i>Miscellany of the Wodrow Society</i> , ed. D Laing (Wodrow Society, 1844).

### Notes on Abbreviations and Style

- Footnotes:** Footnote references to both primary and secondary sources are given in full on the first occasion of their use. Thereafter, citations conform to the 'List of abbreviated titles', *Scottish Historical Review Supplement* (1963) in the instance of primary sources. In the instance of secondary sources, the authors surname and a recognisable contraction of the title are used to provide an abbreviated title.
- References:** In the footnotes, primary sources, references and volume numbers conform to Mullan, E L C, *Texts and Calendars* (Royal Historical Society, vii; 1958), Mullan, E L C, *Texts and Calendars II* (RHS, xii; 1983) and Stevenson, D, & Stevenson, W B, *Scottish Texts and Calendars* (RHS, xiv; 1987). Any uniform additional texts are treated as part of the original series.
- Dates:** All dates are given Old Style. The year is deemed to begin on 1<sup>st</sup> January.
- Capitalisation:** In general, capitalisation has been restricted to proper nouns.
- Maps:** Maps 1 and 2 are based on Ordnance Survey 1:25,000 and 1:50,000 series and drawn at 1:300,000 scale.  
Maps 3 and 4 are based on Ordnance Survey 1:25,000 and 1:50,000 series and drawn at 1:1,750,000 scale.  
Map 5 is based on 'Diocesan Boundaries at the Reformation' in *The Books of Assumption of the Thirds of Benefices: Scottish Ecclesiastical Rentals at the Reformation*, ed. J Kirk (Oxford, 1995), and *Maps of Parish Registers of the Counties of Scotland* (Institute of Heraldic and Genealogical Studies, 1982) and is drawn at, approximately, 1:1,250,000 scale.
- Spelling:** In general, quotations have been modernised.

***‘There are truths which lie long hid  
but in course of time, these truths  
which were long in darkness emerge  
into the light’***

*Above the chimney in the Main Hall, Huntingtower (Ruthven Castle), Perth.<sup>1</sup>*

***‘The farther one travels the less one knows,  
The less one really knows.’***

*G Harrison, ‘The Inner Light’, 1968.*

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<sup>1</sup> Aberdeen University Library, MS 2154. The inscription is no longer visible.



## ***INTRODUCTION***

On 11 June 1488, Patrick Hepburn, second lord Hailes, led the vanguard of the army of James, duke of Rothesay, into battle against James III at Sauchieburn. Had circumstances resolved themselves differently, such action would have been punishable as high treason. That the army of the heir to the throne was victorious and that the king was subsequently murdered is a matter of record; that the murderer was commissioned by either lord Hailes or lord Gray as an opportunistic safety measure, would appear to be later historical embellishment.<sup>2</sup> Whatever the truth of the events, lord Hailes was rewarded well for his services. He received the newly created earldom of Bothwell and a variety of governmental and household positions. Patrick Hepburn was confirmed among the foremost ranks of the fifteenth century's new nobility and his advancement would benefit not only him and his immediate family, but also his descendants over the next four generations.

On 11 June 1588, Francis Stewart, fifth earl Bothwell, sixth lord Hailes, lord Crichton and Liddesdale, great-great-grandson of the first earl, attended his cousin, James VI, on a justice ayre to Dumfries.<sup>3</sup> While the earl's brother-in-law (Archibald, eighth earl of Angus and sixth earl of Morton) was seriously ill, Francis Stewart was the most active and influential nobleman

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<sup>2</sup> Robert Birrel and Robert Lindsay of Pitscottie, in the later sixteenth century, appear to be the original recorders of such traditions, Birrel, R, 'Diary', *Fragments of Scottish History*, ed. J G Dalyell (Edinburgh, 1798), 3; MacKay, A J G (ed.), *The Historie and Cronicles of Scotland from the Slaughter of King James the First to Ane Thousand Fyve Hundreith Thrie Scoir Fystein Zeir. Written and Collected by Robert Lindesay of Pitscottie*, 3 vols (STS, 1899-1911), i, 209. See also Brewer, J S, Gairdner, J, & Brodie, R H (edd.), *Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII, preserved in the Public Record Office, the British Museum, and elsewhere in England*, 21 vols (London, 1862-1932), xx(i), no 187; Balfour Paul, J (ed.), *The Scots Peerage*, 9 vols (Edinburgh, 1904-14), ii, 151; Mackie, R L, *King James IV of Scotland* (Edinburgh, 1958), 44; Nicholson, R, *Scotland: The Later Middle Ages* (Edinburgh, 1989), 530; MacDougall, N, *James III: a Political Study* (Edinburgh, 1982), 260-3.

<sup>3</sup> Bain, J, Boyd, W K, Meikle, H, Cameron, A I, Giuseppi, M S, & Mackie, J D (edd.), *Calendar of State Papers relating to Scotland and Mary, Queen of Scots, 1547-1603, preserved in the Public Record Office, the British Museum, and elsewhere in England*, 13 vols, (Edinburgh, 1898-1969), ix, no 455; Burton, J H, & Masson, D (edd.), *The Register of the Privy Council of Scotland, First Series*, 14 vols, (Edinburgh, 1877-98), iv, 286-92.

in southern Scotland.<sup>4</sup> In conjunction with his enviable family connections and considerable land-holdings, Francis, earl Bothwell, had a range of personal assets which few at the Scottish court could match. As a grandson of James V, he considered that it was both his duty and his right to play a prominent rôle at court. With a young family and male heir, he could anticipate founding a new dynasty of Stewart earls Bothwell to rival his Hepburn forebear.

The similarities between the two earls, one century apart, are striking: both served their king loyally and well; both received considerable reward for their services; and both maintained high expectations concerning the level of authority they could exercise. However, while Patrick Hepburn achieved many of his goals and contributed to the court of James IV over a period of two decades, Francis Stewart's ambitions received only the briefest satisfaction. It is rare for parallels to be drawn between Francis Stewart and Patrick Hepburn. More often the fifth earl is compared to other powerful courtier nobles who were close political contemporaries: along with George Gordon, sixth earl of Huntly, Bothwell has been considered one of 'a pair of aristocratic delinquents'; and, within a wider British context, it has been considered that Francis Stewart resembled Robert Devereaux, earl of Essex - one of the most prominent Elizabethan noblemen - for his 'instability and self-dramatisation'.<sup>5</sup> Such parallels are prejudicial and unhelpful, as are the comparisons between Francis Stewart and his uncle (James, fourth earl Bothwell) and grandfather (Patrick, third earl Bothwell).<sup>6</sup> They concentrate purely on the

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<sup>4</sup> Angus initially attended James VI at Dumfries, *RPC*, iv, 286, but took ill and failed to attend the king on his return to Edinburgh, *RPC*, iv, 292. Instead, Angus went to Dalkeith, where, on 4 August, he died from consumption exacerbated by his recent activities on the border, *CSP Scot*, ix, no 484; *Scots Peerage*, i, 196; Stephen, L, & Lee, S (edd.), *Dictionary of National Biography*, 63 vols (London, 1885-1900), xv, 284. Francis Stewart's authority was strengthened in the latter half of 1588, as a result of the lack of clarity concerning the successor to both of Archibald Douglas's earldoms, *Scots Peerage*, 196-7. On 27 November, Bothwell received ratification of the rights he had previously held pertaining to Kelso Abbey, Scottish Record Office, PS1/58, f. 77r; Thomson, J M, Dickson, W K, Balfour Paul, J, & Stevenson, J H, (edd.) *Registrum Magni Sigilli Regum Scotorum. The Register of the Great Seal of Scotland*, 11 vols, (Edinburgh, 1882-1914), v, no 1597.

<sup>5</sup> Bingham, C, *James VI of Scotland* (London, 1979), 132, 158. Wormald compares Francis Stewart with William, earl of Douglas: 'they went abroad and were received there as civilised beings', however they were "troublemakers" both' and 'changed their spots somewhere on the North Sea', Wormald, J, *Court, Kirk and Community: Scotland, 1470-1625* (London, 1981), 9.

<sup>6</sup> *DNB*, xxvi, 140-5; *RPC*, xiv, p. lxxii; Miller, J, *The Lamp of Lothian* (Haddington, 1900), 186.



salacious aspects of Francis Stewart's character and fail to provide any worthwhile insight into an assessment of the earl's importance and relevance to Jacobean politics.

This thesis will attempt to critically analyse the career of Francis Stewart and assess its importance and relevance to Scottish and international politics in the 1580s and 1590s. It will seek to do so, not solely through analysis of political events, but by the use of a variety of different perspectives. These perspectives not only relate to the contemporary time period but also to the heritage which the earl had received from his Hepburn predecessors. It was extremely unusual for any nobleman in the reign of James VI to face a political problem which had not been faced by the previous generations.

\* \* \* \* \*

There are, however, a number of problems related to the study of such a specific topic. Firstly, although the reign of James VI is well-studied, no substantial monograph relating to the king and his period of governance has been attempted recently.<sup>7</sup> As a result, the complexity of royal policy is not entirely clear. James VI, historiographically, finds himself between a queen who has been labelled a 'failure' and a king who has been characterised as 'ill equipped politically'.<sup>8</sup> As the peak between two troughs of ineffective monarchy, it should be unsurprising that a more positive lustre has been applied to the reign of James VI. This lustre, however, is extremely thin in places.

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<sup>7</sup> For the most recent works (none of which is entirely satisfactory), see Bevan, B, *King James VI of Scotland and I of England* (London, 1996); Bingham, C, *James VI of Scotland* (London, 1979); Scott, O J, *James I* (New York, 1976); Fraser, A, *King James VI of Scotland, I of England* (London, 1969); Bingham, C, *The Making of a King* (London, 1968); Willson, D, *James VI & I* (London, 1956); Stafford, H G, *James VI of Scotland and the Throne of England* (New York, 1940).

<sup>8</sup> Wormald, J, *Mary, Queen of Scots: a Study in Failure* (London, 1988); Macinnes, A, *Charles I and the Making of the Covenanted Movement* (Edinburgh, 1991).

Wormald has painted a highly critical and unsympathetic picture of James's mother. It is a picture which berates Mary for indecision, lack of positive action in both religious and political terms, and personal ineptness.<sup>9</sup> Wormald's interpretation of James VI and I tends to be more generous:

James VI's government had the immense psychological advantage of offering stability after disorder far greater than that which normally accompanied minorities: civil war had followed Mary's deposition, but, more than that, the reformation had swept away old certainties, and some of the best minds in Europe...had attacked traditional royal power.<sup>10</sup>

Lynch, however, has acknowledged that many of the criticisms directed at Mary could be levelled at James as well. He has suggested that James operated 'government by photo opportunity' and often conducted government 'not to resolve issues but to provide a distraction from them'.<sup>11</sup>

The problems faced by James on his assumption of personal power in the mid-1580s were not as difficult to overcome as has been made out: the civil war had been concluded since 1573; the reformation 'settlement', while not perfect, was generally acceded to (in public at least); and the governmental administrations of the earl of Morton (1572-8, 1578-80) and the earl of Arran (1583-5) had provided a strong measure of certainty and stability. That James VI failed to build on these foundations and establish a strong regime dominating his surroundings is often ignored.

It could be argued that James VI's main political success was to achieve what his mother and son could not: the unification of the British kingdoms. Viewed from a perspective taken subsequent to the Union of the Crowns in 1603, James VI was a success. From that same perspective, the failings and inconsistencies of James VI's Scottish reign are excusable,

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<sup>9</sup> Wormald, *Mary, Queen of Scots*, 187-9.

<sup>10</sup> Wormald, 'James VI: new men for old?', *Scotia*, ii (1978), 75.

<sup>11</sup> Lynch, M, 'A royal progress: court ceremonial and ritual during the personal reign of James VI', *James VI: Court and Kingship*, edd. M Lynch & J Goodare (East Linton, forthcoming).



because, ultimately, the reign was successful on a scale beyond the imagination of earlier monarchs.<sup>12</sup> This would appear to be considering the reign backwards.

Determinism, when dealing with the sixteenth century, however, is not restricted to politics. Religion has also suffered under the willingness to read the reign of James VI backwards. Too much of Jacobean policy is defined as catholic *versus* protestant, aided in part by the wishes of contemporary ambassadors and subsequent writers to classify and compartmentalise factions along religious divisions.<sup>13</sup> Although protestantism dominated in Edinburgh and the Lothians, the situation was far from secure in other areas of the country. Even the protestants who were in positions of influence at court recognised that there were divisions within their own ranks. It had always been so - Maitland of Lethington recognised at least five protestant caucuses in 1561, four of which might 'defect' to Mary.<sup>14</sup> Religion did not always define friendships and it must always be recognised that some people were more religious than others. Religion did not dictate every aspect of a person's personal and political life. For example, the lord Maxwell, though 'catholic', thought nothing of supporting the 'protestant' Ruthven regime as a result of a personal dislike for the earl of Arran.<sup>15</sup>

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<sup>12</sup> In the 1970s and 1980s, a lively debate occurred between Professor Maurice Lee and Dr Jenny Wormald as to the nature and utilisation of the power of James VI. Wormald, however, claimed that, despite their differences 'we agree that James was an able and effective king', Wormald, 'New men for old?', 70; See also, Brown, J M, 'Taming the magnates?', *The Scottish Nation: a History of the Scots from Independence to Union*, ed. G Menzies (London, 1972); Brown, J M, 'Scottish Politics, 1567-1625', *The Reign of James VI and I*, ed. A G R Smith (London, 1973); Brown, J M, 'The exercise of power', *Scottish Society in the Fifteenth Century*, ed. J M Brown (London, 1977); Lee, M, 'James VI and the aristocracy', *Scotia*, i (1977); Lee, M, *Government by the Pen: Scotland under James VI and I* (Urbana, 1980); Wormald, J M, *Court, Kirk and Community: Scotland, 1470-1625* (London, 1981); Wormald, J M, 'James VI and I: two kings or one?', *History*, lxxviii (1983); Wormald, J M, "'Princes" and the regions in the Scottish reformation', *Church, Politics and Society: Scotland 1408-1929*, ed. N MacDougall (Edinburgh, 1983); Lee, M, 'James VI and the aristocracy revisited', *Scotia*, x (1986); Lee, M, *Great Britain's Solomon: James VI and I in his Three Kingdoms* (Urbana, 1990).

<sup>13</sup> Rogers, C (ed.), *Estimate of the Scottish Nobility during the Minority of James the Sixth* (Grampian Club, 1873); Donaldson, G, *All the Queen's Men* (London, 1983).

<sup>14</sup> Lynch, M, *Edinburgh and the Reformation* (Edinburgh, 1981), 178, citing British Library, Cotton Caligula, B x, f. 152. This document is printed in an extremely abbreviated form in *CSP Scot*, i, no 1004.

<sup>15</sup> Bain, J (ed.), *Calendar of Letters and Papers relating to the Affairs of the Borders of England and Scotland preserved in her Majesty's Public Record Office, London*, 2 vols, (Edinburgh, 1894-6), i, p. xviii. Maxwell was also not beyond accepting 'assistance' from England, Brown, K M, 'The battle of

On the positive side, James VI was highly educated and published extensively in the fields of poetry, religion and royal instruction. He developed around himself a mature court to reflect his erudition and culture and helped produce not only a male heir but also a number of other children to enable the dynasty to be secure in its succession and powerful when it came to arranging marriage alliances. Administratively, the centre had never been more powerful in Scottish life - a succession of appointments bolstered the king's position and encouraged control.<sup>16</sup> Thus, it could be argued that only if James VI's reign is measured by the ballad, the book, the bedroom and the bureaucrat was it a success. Otherwise, a reappraisal might just be required.

A second problem relates to the personal perceptions of historians. In regard to the character of Francis Stewart, these tend to get in the way of accurate analysis. For all the work on the reign of James VI, little is known of noble affiliations, counsellors, local networks, administrative operations and courtly dalliances. Historians of the period still tend to indulge in caricature. For example, the earls of Moray tend to be seen as universally good; the Douglas earls of Morton and Angus tend to be seen as religiously constant and politically powerful; the earls of Huntly politically dominant in the north and the earls of Argyll likewise in the west. Such caricatures ignore individuality and mortality. James Stewart, earl of Moray ('The Bonnie earl'), inherited his position through marriage and had a larger powerbase around Doune in Strathearn than around Damaway in Moray.<sup>17</sup> Following the death of Archibald, earl of Angus and Morton, in August 1588, and the birth of a daughter to his countess the following

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Dryfesdale Sands', *Dumfries and Galloway - Its People and History*, ed. D M Irving (Dumfries, 1993), 69. Brown notes that, in the early 1580s, it was not common knowledge that Maxwell was a practising catholic.

<sup>16</sup> Lynch, M, 'National Identity in Ireland and Scotland, 1500-1640', *Nations, Nationalism and Patriotism in the European Past*, edd. C Bjørn, A Grant & K J Stringer (Copenhagen, 1994), 110. It can be argued that such central control was an attempt to counterpoise the continued growth in noble power in their own areas, for further discussion see Lee, M, *John Maitland of Thirlestane and the Foundation of Stewart Despotism in Scotland* (Princeton, 1959), 296-7.

<sup>17</sup> Ives, E D, *The Bonny Earl of Murray* (East Linton, 1997), 11-29.



December, the two Douglas earldoms were again possessed by separate family scions. In the late 1580s, the 'old new'<sup>18</sup> earls of Morton and Angus rarely intervened in governmental politics as they were unsure of their titles and uncertain of their level of influence at court. With regard to the localities, the earl of Huntly is frequently noted as being politically naïve and willing to have his actions guided by others such as the Gordon lairds of Auchindoun, Cluny and Gight;<sup>19</sup> and the earl of Argyll, as a child throughout the 1580s, witnessed the fracture of his extensive family's powerbase into a number of smaller interest groups.<sup>20</sup> In each case, the power and authority of the nobleman was dependent on his personal character and ability to impose himself on his situation. Political influence in Jacobean Scotland was transient and uncertain.

With the predominance of caricature, it is relatively easy to see how Francis Stewart has been consigned to the dustbin of history as a bad, sad, and slightly mad individual. His disparate political manoeuvrings of 1594-5 are taken to define his whole political philosophy for the previous fifteen years. Francis, earl Bothwell, is castigated as inconsistent, untrustworthy and unreliable.<sup>21</sup> Keith Brown has suggested that, due to the concentration of historians on narrow, political perspectives, debate concerning the nobility in early modern Scotland is in danger of becoming sterile. He has pointed out that politics was only one aspect of a nobleman's life.<sup>22</sup> While this is undeniable, Zulager has implored early modern historians to respond to his thesis and either prove or disprove his theories concerning Jacobean administrators - 'the middling

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<sup>18</sup> So called because although they were the new possessors of the titles they were aged fifty-seven and forty-nine respectively, *Scots Peerage*, i, 197; vi, 271. The designation belongs to Thomas Fowler, an English resident at the Scottish court, *CSP Scot*, x, no 3.

<sup>19</sup> *DNB*, xxii, 186-90; *Scots Peerage*, iv, 541-5; *CSP Scot*, ix, no 563; Ives, E D, *The Bonny Earl of Murray* (East Linton, 1997), 40; Brown, K M, *Bloodfeud in Scotland, 1573-1625* (Edinburgh, 1986), 157; Bulloch, J M (ed.), *The House of Gordon*, 3 vols (New Spalding Club, 1903-12), i, 18-23.

<sup>20</sup> *DNB*, viii, 318; *Scots Peerage*, i, 344-6; Macphail, J R N (ed.), *Highland Papers*, 4 vols (SHS, 1914-34), ii, 102.

<sup>21</sup> See *Appendix 1*.

<sup>22</sup> Brown, K M, 'Thy pride, thy state, thine honour, blood and gold, can not death's stroak one minuts space with-hold' (unpublished paper, 1995).



sort' - through individual studies and concentrated comparisons of people and how they operated within the Scottish circumstance.<sup>23</sup> This has not yet happened.

The final problem concerns the evidence itself. Although a greater breadth of primary documentation exists for the later half of the sixteenth century than for any previous period (both in terms of governmental records and private papers), it is infuriatingly patchy. For example, although substantial sheriff court records exist for Edinburghshire within the constabulary of Haddington, almost nothing remains of the sheriff court records for Edinburghshire itself (except for a brief period during regent Morton's tenure of office). Perhaps, most infuriatingly, it is known that a charter chest containing family papers relating to the earls Bothwell was still extant in the early nineteenth century but this, in the intervening period, has disappeared. Such lack of comprehensiveness makes any assessment of Francis Stewart and his relevance subject to future discoveries and work.

Even when evidence is available, it is not always simple to discern the truth of events.<sup>24</sup> Private letters form a large part of the corpus of evidence for the analysis of the political situation in the 1580s and 1590s. The correspondents of the period were rarely concerned with objectivity as each had a function to fulfil and an agenda to discuss. Ambassadors and foreign correspondents engaged in 'shadow chasing' - their function was to find rumours and report on them. Truth was not always an issue. As a result, the evidence is not always complimentary, for example, two different versions of Bothwell's raid on Holyrood exist - one by Spottiswoode makes James out to be heroic and noble; another, by Birrel, makes him out to be a figure of ridicule and farce. Such disparities could be argued away as merely the prejudices of the

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<sup>23</sup> Zulager, R R, *A Study of the Middle-rank Administrators in the Government of King James VI of Scotland, 1580-1603* (unpublished Ph.D., Aberdeen, 1991), 17-23.

<sup>24</sup> These problems stand apart from the 'simple' problem of inaccurately calendared documents - for example, the majority of documents relative to Bothwell and recorded in *Calendar of the Manuscripts of the Most Honourable Marquis of Salisbury, K.G., etc., preserved at Hatfield House, Hertfordshire*, 18 vols (Reports and Calendars issued by the Royal Commission on Historical Manuscripts, 1883-1940), iii, are misdated by a year.

writers, except that Bothwell, himself, used two different versions of the raid himself, depending on his audience and objective.<sup>25</sup>

\*       \*       \*       \*       \*

Francis Stewart's power was initially based on his enviable family connections: he was nephew and godson of Mary, queen of Scots; he was nephew of her third husband, James, fourth earl Bothwell, by blood and by marriage; and he was also nephew of the earls of Moray and Orkney.<sup>26</sup> Following the death of his father, his mother had remarried, firstly, John Sinclair, master of Caithness, and then Archibald Douglas, son of the laird of Whittingham. Francis Stewart, himself, married Margaret Douglas, daughter of the seventh earl of Angus, sister of the eighth earl and niece of James, regent Morton. It has been commented that sixteenth-century historians make great play of family ties and connections when it suits their case (often with little real evidence for relationship other than a recorded marriage or family surname) and then abandon such links when the hypothesis they are trying to prove breaks down or the evidence does not fit their conjectures so well.<sup>27</sup> In the case of Francis Stewart, such reservations, while still valid, would seem to fade into the background under the sheer weight of evidence for consistent and actively exercised family ties, relationships and mutual obligations. While the kin network is not the whole solution to the understanding of Francis Stewart, it does go some way to explaining how such a man could play such a prominent rôle in Jacobean Scotland.

When compared to the medieval period, the study of individuals and their affiliations is in its infancy. Prior to the reformation, they are a significant number of major magnatial studies.<sup>28</sup>

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<sup>25</sup> *CBP*, i, p. xlv.

<sup>26</sup> See *Appendix 2*.

<sup>27</sup> I am grateful to Dr Alastair MacDonald, University of Aberdeen, for discussions on this matter.

<sup>28</sup> Grant, A, *The Higher Nobility in Scotland and their Estates, c1371-1424* (unpublished D.Phil., Oxford, 1975); Kelham, C A, *Bases of Magnatial Power in Later Fifteenth Century Scotland* (unpublished Ph.D., Edinburgh, 1986); Kelley, M G, *The Douglas Earls of Angus: a study in the*



When it comes to the later sixteenth century, however, such studies largely dry up - Anderson's study of the two earls of Orkney and Lee's study of James Stewart, earl of Moray, being the notable exceptions.<sup>29</sup> Few comprehensive works exist relating to how a post-reformation noble operated at local and national level. Francis Stewart, fifth earl Bothwell, offers an excellent opportunity for such a study as material from both his national rôle and his localities is sufficient to allow some attempt to be made to comprehend the earl on slightly more than a superficial level.

The rôle adopted by Francis Stewart has been rarely commented upon at length to a satisfactory degree. When it has, it is difficult to accept the portrait of the man displayed. More often than not, historians have been content to dismiss Francis Stewart, and his rôle in James's government of the period 1582-95, with mere 'sound-bites' of innuendo and scurrilous nonsense - each succeeding comment becoming more extreme and more exotic, as adjectives are used up.<sup>30</sup> Even the one significant study of Francis Stewart's career has dismissed his involvement in political affairs prior to 1589.<sup>31</sup> Contemporaries, however, recognised a different Francis Stewart. Although the earl was 'nocht the woysiest in the world', he reflected well the expediencies required to survive in Jacobean Scotland. As an 'undertaking man', he was someone who thought out individual problems and reacted as he felt the circumstances allowed.

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*Social and Political Bases of Power of a Scottish Family from 1389 until 1557* (unpublished Ph.D., Edinburgh, 1973).

<sup>29</sup> Anderson, P D, *Robert Stewart, Earl of Orkney and Lord of Shetland, 1533-1593* (Edinburgh, 1982); Anderson, P D, *Black Patie* (Edinburgh, 1992); Lee, M, *James Stewart, Earl of Moray* (New York, 1953). Older works, specifically the studies by Gore-Brown and Schiern, relating to James, fourth earl Bothwell, concentrate on the colourful aspects of the earl's political career rather than his actions as a powerful magnate, Schiern, F, *Life of James Hepburn, Earl of Bothwell*, trans. D Berry (Edinburgh, 1880); Gore-Brown, R, *Lord Bothwell* (London, 1937). See also, Drummond, H, *The Queen's Man* (London, 1975).

<sup>30</sup> See *Appendix 1*.

<sup>31</sup> Gordon, R, *The Political Career of Francis, Earl of Bothwell, 1588-1594* (unpublished Ph.D., Aberdeen, 1952), 3. See also *Calendar of Border Papers*, which states that until 1590-1 'Bothwell has not appeared as taking any prominent part in affairs, excepting his negotiation with Hunsdon [1588]', *CBP*, i, p. xxiv.

As a result, he was 'feared of both sides, trusted of neither'.<sup>32</sup> To understand Francis, fifth earl Bothwell, is to get closer to understanding James VI and his government.

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<sup>32</sup> *CSP Scot*, ix, nos 306, 584.

## ***CHAPTER ONE***

***The foundation of influence:  
the Hepburns of Hailes, c1296-1578***

In 1578, Francis Stewart, as fifth earl Bothwell, succeeded to a social position and range of influences that should have been well defined.<sup>1</sup> For four generations, following the battle of Sauchieburn in 1488, the earls Bothwell had been among the foremost political figures in south-eastern Scotland. For a further six generations before that, since the late thirteenth century, the Hepburn family had gradually accumulated power and position south of the Forth to rival any other family grouping. Boece considered the earls Bothwell 'of na les honour, nobilitie, landis and blude than ony uther erlis or baronis ar in this realme'.<sup>2</sup> Only the extended house of Douglas (with its scions of Angus, Morton, Whittingham, Drumlanrig, Cavers and Borgue) and the house of Hamilton could challenge the authority of the Hepburns. In both cases, the Hepburns had strong family and political alliances with their potential rivals.

There were a number of immediate problems facing Francis Stewart when he succeeded to the earldom. The most obvious was that he represented a change of line. Francis Stewart was descended from Patrick Hepburn, third earl Bothwell, through his daughter, Jean. Although he was earl Bothwell and lord Hailes, he was not, and could not be, the head of the Hepburn kin-group.<sup>3</sup> The previous four earls Bothwell had made extensive use of that same kin-group - which possessed lands of the crown in approximately half of the sheriffdoms of Scotland - to administer their diverse possessions. The ability of Francis Stewart to sustain the close support offered by this kin-group, or otherwise, his ability to find suitable substitutes to

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<sup>1</sup> He had already assumed the titles of lord Hailes, Crichton and Liddesdale by 1575. See *Appendix 3*.

<sup>2</sup> Seton, W, Chambers, R W, Batho, E C, & Husbands, H W (edd.), *The Chronicles of Scotland, Compiled by Hector Boece. Translated into Scots by John Bellenden, 1531*, 2 vols (STS, 1938-41), ii, 351. For discussion of the power of the nobility during this period, see Kelham, C A, *Bases of Magnatial Power in Later Fifteenth Century Scotland* (unpublished Ph.D., Edinburgh, 1986); Grant, A, *The Higher Nobility in Scotland and their Estates, c 1371-1424* (unpublished D.Phil., Oxford, 1975); Wormald, J, *Lords and Men in Scotland: Bonds of Manrent, 1442-1603* (Edinburgh, 1985); Wormald, J, 'Taming the magnates?', *The Scottish Nation: a History of the Scots from Independence to Union*, ed. G Menzies (London, 1972); reprinted in *Essays on the Nobility of Medieval Scotland*, ed. K J Stringer (Edinburgh, 1985); Brown, M H, 'Scotland tamed? Kings and magnates in late medieval Scotland', *Innes Review*, xlv (1994).

<sup>3</sup> See *Appendix 2*.



replace the crucial members of his household and administrative network would prove an early test of his authority.

Another problem Francis Stewart had to face concerned his youth and limited experience in day-to-day management of his properties and offices. While this was not a problem faced by Francis Stewart alone, it was more acute in his case as his tutor, James, regent Morton, had tended to operate a highly interventionist policy concerning estate management.<sup>4</sup> A recent increase in the strength of political rivals in the area, most notably the earls of Morton and the lords Home, also posed a significant threat. The political equilibrium in southern Scotland had begun to shift during the personal reign of James V with the fall from favour of the earls of Angus and Bothwell and the presentation to ecclesiastical office of some of the king's illegitimate sons. Sub-tenants suddenly found they had a more powerful voice.

Perhaps the most difficult problem to be faced by Francis Stewart resulted from the forfeiture of James, fourth earl Bothwell in 1567. The respect for Bothwell comital power, which had been severely weakened by the third earl, was utterly rent apart by the fourth. Francis Stewart succeeded to a power base that lacked definition, was neglected, mismanaged, extensively mortgaged and dispersed. The traditional influence of the earls Bothwell had been undermined by a series of personal animosities displayed towards the fourth earl (principally for his actions concerning the murder of Henry, king of Scots, and the subsequent marriage to the king's widow, Mary). Not only did the national political elites turn against James Hepburn, but local landowners in areas of Hepburn influence also recognised latent opportunities to extend their influence at the expense of a once dominant court favourite.<sup>5</sup>

To attempt to overcome all these problems, Francis Stewart had to be aware of his own personal 'context'. It was necessary for him to be aware of the heritage he had succeeded to -

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<sup>4</sup> see below, page 133.

<sup>5</sup> see below, pages 96-8. The same happened during the eclipse of the third earl, see pages 64, 73, 76.

what the earls Bothwell stood for and what range of influences they wielded. Importantly, it was also necessary for him to be aware of how situations had changed. Some of the problems he faced were governed by the train of recent political events but others were not, and had been faced by generations of his predecessors and countered with varying success. He would require to adapt Bothwell power to his own needs yet base it in the historic influence his predecessors had wielded.

### The early Hepburn family<sup>6</sup>

The family of Hepburn of Hailes are traditionally stated to have arrived in Scotland, from Northumberland, as prisoners of Patrick Dunbar, earl of March, during the reign of David II.<sup>7</sup> There is, however, little firm evidence for either the family's geographical origin or the date for their entry into Scotland. The wider Hepburn family appear to have been established in Berwickshire by, at least, the mid-thirteenth century,<sup>8</sup> and may have been dependant on or related to any number of prominent families in the area - the earls of March,<sup>9</sup> the de

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<sup>6</sup> I am grateful to Professor Geoffrey Barrow and Dr Stephen Boardman, University of Edinburgh, for discussion on matters relating to this section.

<sup>7</sup> This tradition is first noted in Boece, Seton, *et al* (edd.), *The Chronicles of Scotland by Boece*, ii, 351. It has been suggested that the family originated from Hebburn or Hayborne, near Morpeth, in Northumberland, Douglas, R, *Peerage of Scotland*, 2 vols (Edinburgh, 1813), i, 221; Chalmers, G, *Caledonia: or a Historical and Topographical Account of North Britain from the Most Ancient to Present Times*, 8 vols (Paisley, 1887-1902), iii, 440. An alternative suggestion derives from Hibborne in Chillingham parish, *Scots Peerage*, ii, 135; Black, G F, *The Surnames of Scotland* (New York, 1962), 354.

<sup>8</sup> Raine, J (ed.), *The History and Antiquities of North Durham* (London, 1852), app. ccxcvi; Scoular, J M (ed.), *Handlist of the Acts of Alexander II, 1214-1249*, (Edinburgh, 1959), no 387. It has been argued that the family of Hepburn of Waughton may have been more ancient than that of Hepburn of Hailes, *Scots Peerage*, ii, 136; Nisbet, A, *A System of Heraldry, Speculative and Practical, with the True Art of Blazon*, 2 vols (Edinburgh, 1984), i, 162.

<sup>9</sup> The head of the Hepburns was a regular witness to charters by the earls of March, *RMS*, i, nos 231, 265, 280, 289, 521. The similarities between the coats-of-arms of the Hepburn family (gules, on a chevron argent two lions pulling a rose) and the earls of March (gules, a lion rampant within a bordure argent charged with eleven roses); the use by both families of a bridled horsehead as a crest; and the prominence in both families of the cognomen Patrick may suggest an early and strong relationship between the Hepburns and the earls of March, Nisbet, *System of Heraldry*, i, 153; *Scots Peerage*, ii, 167, iii, 267-8; Geddes, W D, & Duguid, P (edd.), *Lacunar Basilicæ Sancti Macarii*



Bernhams,<sup>10</sup> or the de Cresswells.<sup>11</sup> During the Wars of Independence, a number of Scottish Hepburns, within Berwickshire and Roxburghshire, submitted and paid homage to Edward I.<sup>12</sup> Admittedly, the first record of Hepburns land-holding dates from the reign of David II but Nisbet has argued all such charters were confirmations of earlier grants and that the initial grants had already been made during the reign of Robert I.<sup>13</sup> The first confirmation to Adam Hepburn related to lands (held of the earl of March) in Mersington and Cockburnspath.<sup>14</sup> It may be that these lands reflect the earliest areas of influence of the Hepburn family. [See Map 1] In the late thirteenth century many border families held lands in both Scotland and England and the tradition of prisoners returning with the earl of March may relate to a conscious (or

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*Aberdonensis. The Heraldic Ceiling of the Cathedral Church of St Machar, Old Aberdeen* (New Spalding Club, 1888), 117; Watt, D E R (ed.), *A Biographical Dictionary of Scottish Graduates to AD 1410* (Oxford, 1977), 266. At the battle of Otterburn (1388) the shield of Hepburn of Hailes was differenced by a bordure engrailed - the mark of a younger son, White, R, *History of the Battle of Otterburn fought in 1388* (London, 1857), 107. This may lie behind the nineteenth century belief that the Hepburns of Waughton were the senior branch of the family but could equally indicate an even closer attachment to the Dunbars than has previously been suggested. I am grateful to Mr Charles Burnett, Ross Herald, for discussion on these points.

<sup>10</sup> A document of 1261 suggests Richard de Hepburn may also have been known as Richard de Bernham. The de Bernhams were a border family prominent in ecclesiastical and civil affairs, and firmly based around Haddington and Berwick. A number of the family were burgesses, mayors or prioresses in Berwick, Bain, J, Simpson, G G, & Galbraith, J D (edd.), *Calendar of Documents relating to Scotland*, 5 vols (Edinburgh, 1881-1986), i, no 2331; ii, no 508; Watt (ed.), *Scottish Graduates*, 41-4; Thomson, T, & Innes, C (edd.), *The Acts of the Parliament of Scotland*, 12 vols (London, 1814-75), i, 83\* (413); Ash, M, 'David Bernham, bishop of St Andrews', *Innes Review*, xxv (1974), 3-14.

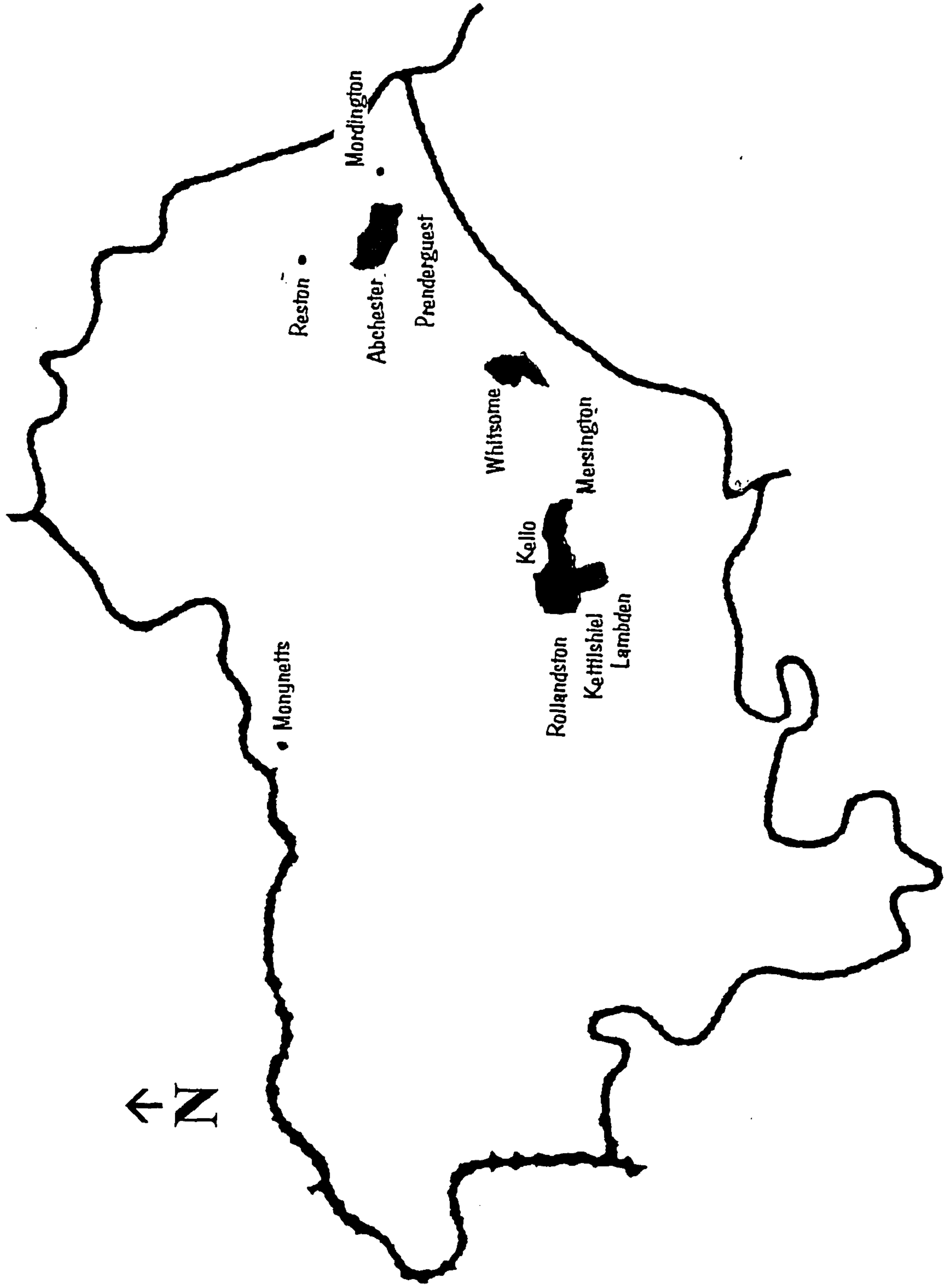
<sup>11</sup> In 1296, the manor of Robert de Cresswell at Hibborne was burnt and destroyed by invading Scots. De Cresswell was a Scot himself and would appear to have been tenant-in-chief of the lands possessed by Adam de Hibburne in the next century, *CDS*, iv, nos 30, 1770.

<sup>12</sup> Palgrave, F (ed.), *Documents and Records Illustrating the History of Scotland and the Transactions between the Crowns of Scotland and England in Her Majesty's Exchequer*, (London, 1837), 183, 196; *CDS*, ii, no 730. By the early fourteenth century there were also Hepburns in Angus and Fife, *CDS*, ii, 1687; *RMS*, i, app. 1, no 29; ii, no 3583.

<sup>13</sup> Nisbet, *System of Heraldry*, i, 152-3.

<sup>14</sup> Robertson, W (ed.), *An Index drawn up about the Year 1629 of Many Records of Charters Granted by the Different Sovereigns of Scotland between the Years 1309 and 1413, Most of Which Records have been Long Missing* (Edinburgh, 1798), 42.20; *RMS*, i, app. 2, no 853; Nisbet, *System of Heraldry*, i, 153.

*Comital lands in Berwickshire*





forced) choice of allegiance following Scottish raids on the less extensive Hepburn holdings in England.<sup>15</sup>

At some point during the period of Bruce kingship, Adam de Hepburn (d. 1362x71), steward of the earl of March, was rewarded for acts of bravery and valour with lands in Haddingtonshire and Berwickshire - Traprain, Dunpender and Southalls, Northalls, Rollandston and part of the lands of Mordington - some of which had been recently forfeited by political losers during the Wars of Independence.<sup>16</sup> [See Maps 1 & 2] These new acquisitions confirmed the Hepburns as a family of growing significance in south-east Scotland. Adam's sons, Patrick (d.1402x06) and John (d.1369x1402), extended their patrimony through further grants in the same area.<sup>17</sup> The Hepburns continued to play a prominent rôle within Lothian as part of the retinue of the earls of March. Occasionally, this meant that they also participated in national politics: in 1371, Patrick Hepburn subscribed the act of recognition of John, earl of Carrick, as heir to Robert II and, in 1388, several family members served with distinction at the battle of Otterburn.<sup>18</sup>

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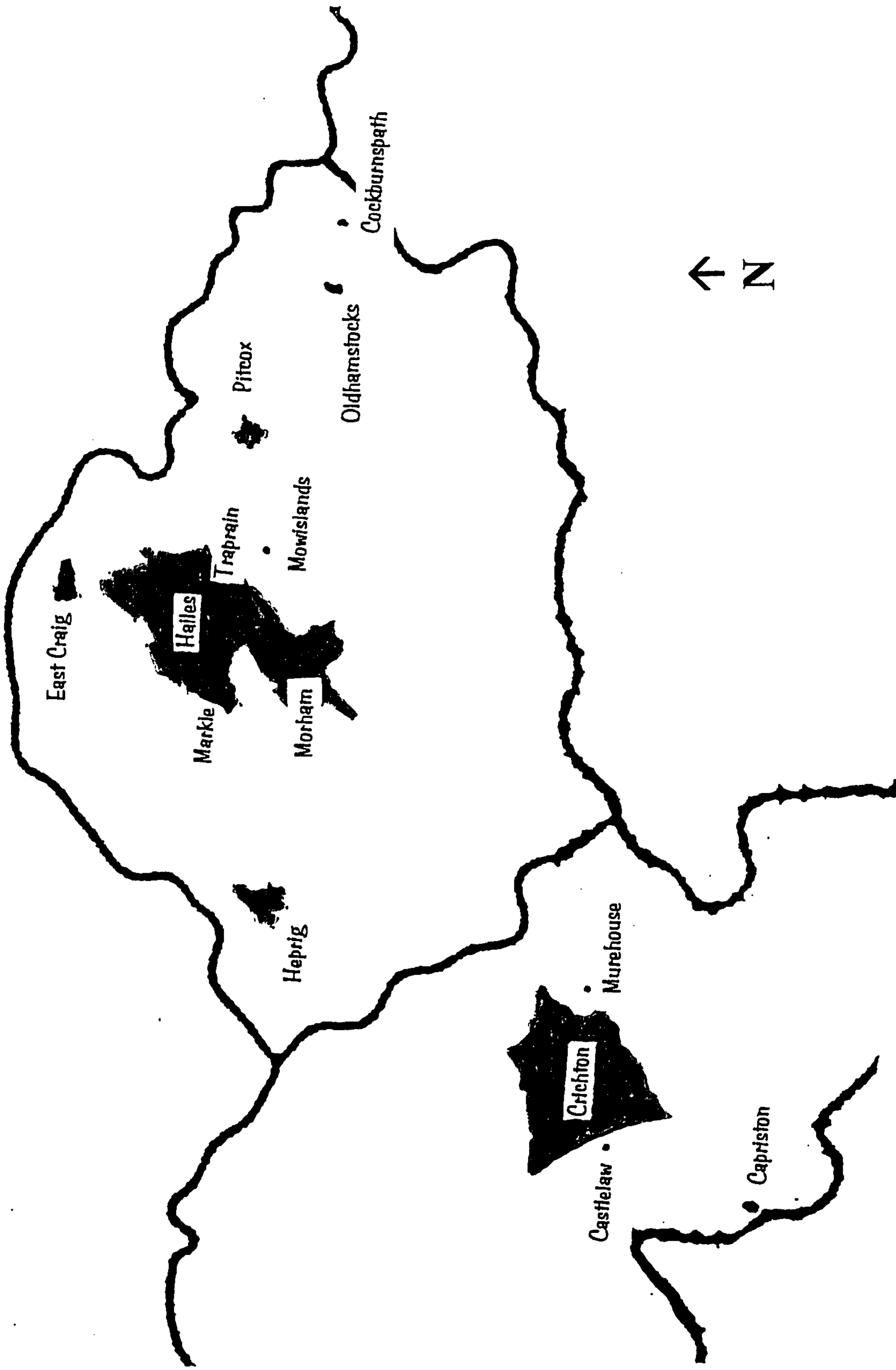
<sup>15</sup> Adam, son of Nicholas of Hibburne, held one messuage and twenty acres in the vill of Hibburne worth 8s and was forfeited for joining the Scots, Stevenson, J (ed.), *Documents Illustrative of the History of Scotland, 1286-1306*, 2 vols (Edinburgh, 1870), ii, 48.

<sup>16</sup> Robertson (ed.), *Index*, 41.12; *RMS*, i, app. 1, no 117; app. 2, no 855. For the earlier history of South Hailes, see Innes, C (ed.), *Registrum Sancte Marie de Neubottle* (Bannatyne Club, 1849), 57-61, 73. *RMS*, i, app. 2, no 854. For the earlier history of North Hailes, see Innes (ed.), *Registrum de Neubottle*, 69-73. Robertson (ed.), *Index*, 42.21; *RMS*, i, app. 2, no 854; Nisbet, *System of Heraldry*, i, 237; Chalmers, *Caledonia*, iii, 441.

<sup>17</sup> Robertson (ed.), *Index*, 67.1. In 1362, John de Hepburn, ward of Patrick, earl of March and Moray, received a grant of Over and Nether Markle, Fraser, W (ed.), *The Book of Caerlaverock: Memoirs of the Maxwells, Earls of Nithsdale, Lord Maxwell and Herries*, 2 vols (Edinburgh, 1873), ii, 411; *RMS*, i, no 159; app. 2, no 1475. By the early fifteenth century these lands were in the possession of the laird of Hailes.

<sup>18</sup> Laing, H (ed.), *Descriptive Catalogue of Impressions from Ancient Scottish Seals, Royal, Baronial, Ecclesiastical and Municipal, Embracing a Period from AD 1094 to the Commonwealth*, 2 vols (Bannatyne Club, 1850-66), i, 75; SRO GD158/1; RH1/141; HMC, *Milne Home*, 256-7; Robertson, *Index*, 79.135, 82.169, 84.184, 136.19; Froissart, J, *Chronicles*, trans. G Brereton (Harmondsworth, 1968), 342; Constable, A (ed.), *The History of Greater Britain as well England as Scotland compiled from the Ancient Authorities by John Major, by name indeed a Scot, but by Profession a Theologian, 1521* (SHS, 1892), 315-24; Watt, D E R (ed.), *Scotichronicon by Walter Bower*, 9 vols (Aberdeen, 1987-98), vii, 417; Reid, D (ed.) *History of the House of Douglas by David Home of Godscroft*, 2 vols (STS, 1996), ii, 218-225; Seton, et al (edd.), *The Chronicles of Scotland by Boece*, ii, 349; Nisbet, *System of Heraldry*, i, 152-3; White, *Battle of Otterburn*, 107-8.

*Comital lands in Lothian*





In July 1400, when the earl of March changed allegiance and pledged his fealty to Henry IV of England, the Hepburns remained loyal to the Scottish crown.<sup>19</sup> The family, as 'dependars on the houses of Douglas and March',<sup>20</sup> had to make a choice as to which allegiance they should follow. Retribution was not long in coming. On 3 February 1401, the earl of March, at the head of a band of English troops, entered Lothian and twice attacked Hailes Castle. The invaders ravaged, pillaged and burned the touns of Linton, Traprain, Hailes and Markle and requisitioned cattle and crops in preparation for an overnight encampment at Linton and Preston. The pillaged goods amounted to 'ane grete praye of men and gudis'<sup>21</sup> but, before nightfall, the invaders were disturbed and fled before a band of quickly gathered horse led by Archibald, master of Douglas.<sup>22</sup>

This punitive raid was specifically directed against the increasingly powerful Hepburn of Hailes - Traprain, Markle, Linton, Preston and Hailes were all family lands and within their immediate sphere of influence and protection. The issue was essentially a personal matter between a disgraced landlord and one of his former tenants. That the events took place in Lothian, within the 'Scottish Home Counties', has led historians from Bower onwards, to assess the raid purely for its national implications. The earl of March used national issues to pursue, essentially, a private vendetta against a one-time vassal who had deserted him and allied himself more strongly to one of the earl's biggest rivals in the south-east - Douglas.<sup>23</sup> The attacks on Hailes Castle and the burning of the surrounding area - a very closely defined locality - along with the feasting on the livestock of Hailes's tenants (in a time of economic

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<sup>19</sup> For fuller analysis of the events of this period, see Boardman, S, 'The man who would be king: the lieutenancy and death of David, duke of Rothesay, 1378-1402', *People and Power in Scotland: Essays in Honour of T C Smout*, edd. R Mason and N MacDougall (Edinburgh, 1992), 1-27.

<sup>20</sup> Reid (ed.), *History of House of Douglas*, ii, 302.

<sup>21</sup> Seton, *et al* (edd.), *The Chronicles of Scotland by Boece*, ii, 362.

<sup>22</sup> Watt (ed.), *Scotichronicon*, viii, 32-3.

<sup>23</sup> For discussion of the politics and warfare of the period 1390-1403, see MacDonald, A, *Crossing the Border: a Study of the Scottish Military Offensives against England, c1369-c1403* (unpublished Ph.D., Aberdeen, 1995), 119-63.

hardship)<sup>24</sup> was revenge which was personal and vindictive. March had not counted on anyone, let alone a Douglas, mustering forces and pursuing him back across the border. Such reaction meant that the matter would not be allowed to rest on either side.

The following year, as part of the continued unrest, two warbands were mustered to combat the threat of the earl of March. The first was led by John Haliburton of Dirleton; the second by Patrick Hepburn, son and heir of the laird of Hailes.<sup>25</sup> Within two generations, the Hepburn family had firmly established themselves as a leading family in Lothian, capable of inspiring men, other than their own tenants, to follow them in a punitive raid against a dangerous aggressor.<sup>26</sup> The raid, though successful, was ultimately disastrous. The Scottish forces, having delayed their retreat and weighed down with plunder, were confronted by the earls of Northumberland and March at Nisbetmuir on 22 June 1402 and were totally defeated. Patrick Hepburn, '*miles magnanimus et athleta bellicosus*', was killed during the battle.<sup>27</sup>

The death of Patrick Hepburn, followed soon after by that of his father, combined with the uncertain situation in south-east Scotland, could have led to the disintegration or eclipse of Hepburn influence in that area. This did not happen. Although the Hepburn family was quiet

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<sup>24</sup> Lomas, R, *County of Conflict: Northumberland from Conquest to Civil War* (East Linton, 1996), 51.

<sup>25</sup> Both men were married to co-heirs of de Vaux, lord of Dirleton. It is stated in *Scots Peerage* that this led to 'a great accession' to the Hailes estate, however, it is unclear as to the extent of these lands, although they were considered substantial enough for Patrick, first earl Bothwell (d.1508) to quarter his Hepburn arms with those of de Vaux, *Scots Peerage*, ii, 138; Nisbet, *System of Heraldry*, i, 153. MacDonald argues that the choice of commanders represented 'an attempt to appease status', MacDonald, A, *Crossing the Border*, 149.

<sup>26</sup> Watt (ed.), *Scotichronicon*, viii, 42-3. The tenant-in-chief, sir Patrick Hepburn of Hailes (d.1402x06), was over eighty at the time of this confrontation. His second wife, Eleanor Douglas, countess of Carrick, was the daughter of sir Archibald Douglas, regent for David II, and widow of Edward Bruce, earl of Carrick. Patrick Hepburn, younger of Hailes, was the son of an earlier marriage and was himself a considerable age when he mustered the warband - a fact which, no doubt, added to his authority.

<sup>27</sup> Watt (ed.), *Scotichronicon*, viii 42-3; Reid (ed.), *History of House of Douglas*, ii, 261-3; Seton, et al (edd.), *The Chronicles of Scotland by Boece*, ii, 362; Constable (ed.), *The History of Greater Britain by John Major*, 339; Nicholson, *The Later Middle Ages*, 223; Ridpath, G, *The Border History of England and Scotland* (Edinburgh, 1979), 256; Lomas, *County of Conflict*, 50; Balfour-Melville, E W M, *James I, King of Scots, 1406-1437* (London, 1936), 22; MacDonald, *Crossing the Border*, 149.



on a national level during the governorship of the duke of Albany, on a local level their influence within Lothian and Berwickshire was secured and extended: the towns of Haddington and Dunbar were slowly brought within their orbit and marriage alliances were secured with prominent neighbours.<sup>28</sup> In 1423, Adam Hepburn, laird of Hailes (d.1446), was sent as a commissioner to England, to secure the release of James I from captivity.<sup>29</sup> On the king's return to Scotland, Adam Hepburn was knighted at the coronation ceremony and he served as one of the hostages for the king, periodically, for the next three years.<sup>30</sup> In 1433, sir Adam Hepburn acted as one of the emissaries to obtain the Dunbar Castle from the earl of March (he later received the keepership).<sup>31</sup> The Hepburns had, by this time, firmly established themselves as the logical 'heirs' to the earls of March in Lothian, just as the Homes saw themselves as the logical 'heirs' to the earl of March in their Berwickshire possessions.<sup>32</sup>

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<sup>28</sup> Sir Adam Hepburn married a daughter of lord Borthwick, McGurk, F (ed.), *Calendar of Papal Letters to Scotland of Benedict XIII of Avignon, 1394-1419* (SHS, 1976), 244; *Scots Peerage*, ix, 40. His sons included George, who received grants of Rollandston and Whitsome in Berwickshire, and Adam, dean of Dunbar, Watt, D E R (ed.), *Fasti Ecclesiae Medii Aevi* (St Andrews, 1969), 354; *Scots Peerage*, ii, 139-40. His daughters married into the families of the earls of Eglinton, the earls of Glencairn, the lords Somerville and lords Home, *Scots Peerage*, ii, 141; iii, 432; iv, 234, 448; viii, 12. Archibald Hepburn, the younger brother of sir Adam Hepburn, was armingier and burgess of Haddington, *Scots Peerage*, ii, 138. Adam's sister, Anna, received permission to marry John Lauder of Edrington (the future Lauder of Bass), Lindsay, E R, Dunlop, A I, & MacLauchlan, D (edd.), *Calendar of Scottish Supplications to Rome*, 4 vols (SHS, 1934-83), ii, 96-7. Patrick de Hebburne, a Scottish clerk, was rector of the parish of Linton by the mid-fifteenth century, Watt (ed.), *Scottish Graduates*, 266.

<sup>29</sup> Rymer, T (ed.), *Fædera, Conventiones, Litterae et cuiuscunque Generis Acta Publica, inter Reges Angliæ et alios Imperatores, Reges, Pontifices, Principes, vel Communitates*, 20 vols, (London, 1727-35), x, 310; *Scots Peerage*, ii, 138.

<sup>30</sup> Constable (ed.), *A History of Greater Britain by John Major*, 354; Watt (ed.), *Scotichronicon*, viii, 242-43; Reid (ed.), *History of House of Douglas*, ii, 301-2. James I never made more than the initial payment of 9,500 merks and this meant that a number of hostages were never freed and others had to ransom themselves. It is unclear how Adam Hepburn secured his release, Balfour-Melville, *James I*, 96-8, 103, 126, Macfarlane, L J, *William Elphinstone and the Kingdom of Scotland, 1431-1514* (Aberdeen, 1985), 5.

<sup>31</sup> Watt (ed.), *Scotichronicon*, viii, 291-92; Constable (ed.), *The History of Greater Britain by John Major*, 362; Stevenson, J (ed.), *The Life and Death of King James the First of Scotland* (Maitland Club, 1837), 14; Nisbet, *System of Heraldry*, i, 153; Balfour-Melville, *James I*, 96-8, 103, 126; Kelley, *The Douglas Earls of Angus*, 190.

<sup>32</sup> For changes in the earldom of March see, Grant, A, *Independence and Nationhood* (London, 1984), 122-4; *RMS*, ii, 512, 513, 525, 529, 585, 588, 596.

The Hepburns were not averse to interfering in the local politics of the east march as well. The family held various lands in Berwickshire and also had close relationships with the Douglas and Home kindreds.<sup>33</sup> During the reign of James II, Adam Hepburn of Hailes became involved in the dispute between Home of Wedderburn and Home of that ilk for possession of the lucrative bailiary of Coldingham. Hailes initially backed Wedderburn but, later, changed his views and endorsed Home of that ilk in a letter of recommendation to the king.<sup>34</sup> Intent on receiving a fair distribution of the revenues of the priory, Adam Hepburn (as tenant-in-chief of both men) had an interest which was more than personal.

As a family of increasing significance the Hepburns again were prominent in the national arena: in 1435, the earl of Angus, sir Adam Hepburn and Alexander Ramsay of Dalhousie led a Scottish warband which was victorious at Piperdean; two years later, sir Adam Hepburn was one of the ambassadors who concluded a nine year truce between England and Scotland.<sup>35</sup> Towards the end of his life the laird of Hailes again acted as steward of the earldom of March and keeper of the Dunbar Castle. However, following the forfeiture of the earl of March in January 1435, these offices were of more benefit to the person holding them than the styled owner - Adam Hepburn was steward and keeper, not for the earl of March, but in place of him.<sup>36</sup>

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<sup>33</sup> For Hepburn landholdings in Berwickshire, see *Map 1* and *Appendix 4*.

<sup>34</sup> McGladdery, C, *James II*, (Edinburgh, 1990), 38; Dunlop, A I, *The Life and Times of James Kennedy, Bishop of St Andrews* (Edinburgh, 1950), 51-3; Kelley, *The Douglas Earls of Angus*, 157-8, 192-5.

<sup>35</sup> Constable (ed.), *The History of Greater Britain by John Major*, 364; Watt (ed.), *Scotichronicon*, viii, 293-94; Rymer (ed.), *Fædera*, x, 695; CDS, iv, no 1111; *Scots Peerage*, iii, 91; Chalmers, *Caledonia*, iii, 443; Dunlop, *Kennedy, Bishop of St Andrews*, 22; Brown, M H, *James I* (Edinburgh, 1994), 161; Kelley, *The Douglas Earls of Angus*, 190. The ambassadorial mission was financed by a personal pledge of royal jewels to Hepburn of Hailes by Joan Beaufort, queen of Scots, Stuart, J, Burnett, G, Mackay, A J G, & McNeill, G P (edd.), *Rotuli Scaccarii Regum Scotorum. The Exchequer Rolls of Scotland*, 23 vols (Edinburgh, 1878-1908), v, 93.

<sup>36</sup> Fryde, E B, Greenway, D E, Porter, S, & Roy, I (edd.), *Handbook of British Chronology* (Royal Historical Society, 1986), 507; *Scots Peerage*, ii, 138-39.



The complexity of relationships between the Hepburn family and their overlords, either the earls of March or the earls of Douglas, is difficult to fully comprehend. It has been claimed that on revoking their allegiance to the earls of March they 'joined the party' of the earls of Douglas.<sup>37</sup> Home of Godscroft was more circumspect, noting that, in the 1420s, Hepburn of Hailes was still dependant on both the houses of Douglas and March.<sup>38</sup> In 1424, John Hepburn was granted a safe conduct to go to the hostages in England, and is noted as 'one of the men of sir Patrick of Dunbar'.<sup>39</sup> During the course of the fifteenth century, the *familia* of Douglas and Hepburn of Hailes appeared on battlefields together and were linked by marriage alliances;<sup>40</sup> Hepburn of Hailes acted as bailie for Margaret Stewart, countess of Angus and Mar;<sup>41</sup> James Douglas, third earl of Angus, mediated in a dispute between the Hepburns and Homes;<sup>42</sup> and, in at least one Angus charter, Hailes appeared first in the witness list.<sup>43</sup> However, there is little remaining material which definitively proves the nature of the two families' relationship. Boardman perhaps comes closest to the reality of the situation by stating 'sir Patrick Hepburn [was] the most committed of the anti-Dunbar landholders in March.'<sup>44</sup> In the difficult political situation of the early fifteenth century, it was always apposite to keep options open.

In 1444, William, earl of Douglas, granted the lands of Dunsyre in Lanarkshire to Patrick Hepburn, laird of Hailes (d.1483). If the grant was meant to secure and encourage Hepburn

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<sup>37</sup> *Scots Peerage*, ii, 137.

<sup>38</sup> Reid, D (ed.), *History of House of Douglas*, ii, 302.

<sup>39</sup> *CDS*, iv, no 964.

<sup>40</sup> *Scots Peerage*, ii, 151-2.

<sup>41</sup> HMC, *Thirteenth Report*, app. ii, 11.

<sup>42</sup> Nicholson, *The Later Middle Ages*, 336, 345. The dispute was ultimately settled by a double marriage alliance between the families, HMC, *Twelfth Report*, app. viii, 88.

<sup>43</sup> Anderson, J (ed.), *Calendar of the Laing Charters, 854-1837* (Edinburgh, 1899), no 98. In the early fifteenth century, Hepburns also witnessed charters by the earls of Angus and Archibald, fourth earl Douglas, SRO, RH6/210; GD12/16; Harvey, C, & Macleod, J (edd.), *Calendar of Writs Preserved at Yester House, 1166-1625* (SRS, 1930), no 47; HMC, *Sixth Report*, 710; Fraser, W (ed.), *The Douglas Book*, 4 vols (Edinburgh, 1885), iii, 51; *Laing Charters*, no 98; Raine, J (ed.), *The Correspondence, Inventories, Account Rolls and Law Proceedings of the Priory of Coldingham* (Surtees Society, 1841), 100; Kelley, *The Douglas Earls of Angus*, 676.

<sup>44</sup> Boardman, 'The man who would be king', 18.

support of the Douglasses, it failed to achieve its objective. When James II undertook his actions against the family, Hepburn of Hailes remained on the side of the king.<sup>45</sup> As a prominent loyalist of James II, in 1451, Hepburn was rewarded for taking up his anti-Douglas stance with the erection of the lands he had previously held of the earls of March (along with the lands of Prendergast) into the barony of Hailes. All rights in the lands formerly possessed by George, earl of March, and forfeited by him, were transferred to Hailes.<sup>46</sup>

In addition to the grant of lordship, a confirmation was issued relative to Hepburn's newly acquired position as sheriff of Berwickshire.<sup>47</sup> The acceptance of responsibility as sheriff reiterated the importance of Hepburn of Hailes on the east march and suggested him as the logical agent of royal authority in a region witnessing something of a power vacuum. Macfarlane has argued that during the reign of James III, there was a growing lack of confidence in the sheriff courts and 'a number of James III's sheriffs were ignorant of the law, negligent of their duties, or corrupt; but given the nature of their office and their manner of appointment this should not surprise us'. Thirteen out of twenty-two sheriffs were, by that

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<sup>45</sup> Part of this underlying sense of loyalty to the Scottish crown may have been a result of sir Adam Hepburn having had romantic links with Joan Beaufort, the dowager queen, for whom he seized Dunbar Castle (which he held it until her death in July 1445), Craigie, W A (ed.), 'Ane schort memoriale of the Scottish chronicles for additon' (sometimes known as the Auchinleck Chronicle)', *The Asloan Manuscript. A Miscellany in Prose and Verse, written by John Asloan in the reign of James the Fifth*, 2 vols (STS, 1923-5), i, 219; Constable (ed.), *The History of Greater Britain by John Major*, 388; Nicholson, *The Later Middle Ages*, 344; Chalmers, *Caledonia*, iii, 443; Raine (ed.), *North Durham*, app. xxii; McGladdery, *James II*, 162; Dunlop, Kennedy, *Bishop of St Andrews*, 74-6. In response, Archibald Dunbar captured and garrisoned the castle of Hailes. For discussion on the events surrounding the eclipse of the earls of Douglas, see Nicholson, *The Later Middle Ages*, 353-96; McGladdery, *James II*, 32-94; Kelley, *The Douglas Earls of Angus*, 40-61.

<sup>46</sup> RMS, ii, no 513. Shortly afterwards, the grant was erected into a lordship of parliament under the title of lord Hailes, Craigie (ed.), 'Ane schort memoriale', i, 243; ER, v, 581; *Scots Peerage*, ii, 142; Nicholson, *The Later Middle Ages*, 364; Dunlop, Kennedy, *Bishop of St Andrews*, 137-8. Hailes went on to serve as a lord of session and conservator of truces with England, APS, ii, 46-47; Rymer (ed.), *Fœdera*, xi, 253, 300, 327, 399, 430; CDS, iv, no 1239; McGladdery, *James II*, 110. For the significance of such grants see Grant, *Independence and Nationhood*, 124-7.

<sup>47</sup> RMS, ii, no 558; *Scots Peerage*, ii, 141; MacDougall, *James III*, 25, 28; Chalmers, *Caledonia*, iii, 443; *Laing Charters*, nos 140, 175; Raine (ed.), *North Durham*, app. cccxxix. In 1450 the sheriffship had been granted to him by John, lord Haliburton, the previous holder of the office and father of Patrick Haliburton who, earlier in the year, had married the eldest daughter of Hailes, RMS, ii, no 437; *Scots Peerage*, ii, 148.

time, hereditary 'having clearly been chosen by the crown for their influence and wealth within the sheriffdom rather than for their knowledge of the law'.<sup>48</sup> While there is considerable merit in some of Macfarlane's argument, there is also a failure to comprehend the intricacy of the local situation - in the sheriffdoms, it was the deutes who were the daily power brokers and, with a competent deute, even the worst sheriff could operate effectively. As sheriff of Berwick Hailes employed close family members as his deutes in addition to experienced local men such as Oliver Lauder of that ilk and Robert Blackadder of that ilk.<sup>49</sup>

With an increasingly secure local power-base and, for the first time, without the responsibility of thinking of the obligations primarily due to his comital superiors - lord Hailes took an increasingly prominent rôle in national affairs. He first appeared at a general council in 1456 and at parliament a year later (where he was elected to serve on the lords of articles).<sup>50</sup> Following the death of James II at Roxburgh in 1460, Patrick Hepburn was re-appointed keeper of Dunbar Castle by the dowager, Mary of Gueldres, and his eldest son, Adam, was reputed to have been taken as one of the queen's lovers.<sup>51</sup> In 1466, Adam, master of Hailes (d. c1479), was a prominent member of the Boyd faction who seized control during the minority of James III.<sup>52</sup> These actions emphasised, yet again, the ability of the Hepburn family to mould their political options to suit the prevailing circumstances. Despite subsequent changes

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<sup>48</sup> Macfarlane, *William Elphinstone*, 109.

<sup>49</sup> APS, ii, 162; Chalmers, *Caledonia*, iii 445; Cardew, A A, *A Study of Society in the Anglo-Scottish Borders, 1455-1502* (unpublished Ph.D., St Andrews, 1973), 73, 386, 391; RAS, ii, no 558; SRO, GD158/48; GD158/68; GD158/156.

<sup>50</sup> APS, ii, 46-7.

<sup>51</sup> MacDougall, *James III*, 52; Nicholson, *The Later Middle Ages*, 403; Dunlop, Kennedy, *Bishop of St Andrews*, 227, 233, 241. Pitscottie and a number of subsequent historians have used this appointment as evidence that Adam, master of Hailes, and Mary of Gueldres were lovers. MacDougall considers the relationship unlikely, but, in the end, it comes down to perception, not fact: in the sixteenth century, it was believed that the relationship had been the case, and so strengthened the Bothwell links to the crown, Pitscottie, *Historie*, i, 158; Constable (ed.), *A History of Greater Britain by John Major*, 388; MacDougall, *James III*, 57.

<sup>52</sup> APS, ii, 46-7; Nicholson, *The Later Middle Ages*, 411-2; Dunlop, Kennedy, *Bishop of St Andrews*, 235.



in political regime and the unfortunate death of Adam, master of Hailes, before his father in 1479, the Hepburns continued to have significant influence both in local and national affairs.<sup>53</sup>

It was not only in the political sphere that the Hepburns attempted to secure influence. As was in the case with many other families, Hepburns entered the church throughout the course of the fifteenth century. While many of the benefices held were at a parochial level and based around the areas of Hepburn influence, by 1466, John Hepburn (d. c1485), brother of the first lord Hailes, had been consecrated as bishop of Dunblane,<sup>54</sup> and, in 1485, John Hepburn (d. 1522), the brother of the second lord Hailes, was chosen as prior of St Andrews.<sup>55</sup> These greater benefices not only gave the Hepburns additional voices in court and council but also opened up a whole new patronage network with ecclesiastical positions available on a much wider scale.

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<sup>53</sup> Although it has been observed that 'families such as the Douglasses, Homes and Hepburns rarely appear in James III witness lists or council sederunts', this does not mean that the relevant families were devoid of royal favour, Macfarlane, *William Elphinstone*, 410; see below, page 40, and *APS*, ii, 88, 91, 98; Chalmers, T M, *The King's Council, Patronage and the Governance of Scotland, 1460-1513* (unpublished Ph.D., Aberdeen, 1982), 424. The first lord Hailes, dispensed patronage and lands to his close kin and secured marriages for his relations which gave access to the power networks on the border, SRO, GD32/14/5; Livingstone, M, Hay Fleming, D, Beveridge, J, & Donaldson, G (edd.), *Registrum Secreti Sigilli Regum Scotorum. The Register of the Privy Seal of Scotland*, 8 vols (Edinburgh, 1908-1982), iv, 193; *Scots Peerage*, ii, 148. In 1481, Patrick, lord Hailes was one of the lords specifically named to attend to the repairing and fortifying of their castles to combat threatened invasion, *APS*, ii, 133. In the same year, he pursued an action against Patrick Knollys (the treasurer) for the dues of Monynetts, *APS*, ii, 134; Thomson, T, Neilson, G, Paton, H, & Calderwood, A B (edd.), *Acta Dominorum Concilii. The Acts of the Lords of Council in Civil Causes*, 3 vols (London & Edinburgh, 1839-1993), i, 45.

<sup>54</sup> Watt (ed.), *Fasti Medii Aevi*, 77; Dowden, J, *The Bishops of Scotland* (Glasgow, 1912), 206-7; Chalmers, *Caledonia*, iii, 443.

<sup>55</sup> *APS*, ii, 171; Dowden, *Bishops of Scotland*, 37-40, 83. Haddington parish was under the patronage of the prior of St Andrews, and it is conceivable that John Hepburn started his ecclesiastical career fairly close to home.

**Patrick, first earl Bothwell, second lord Hailes (c 1455-1508)<sup>56</sup>**

Like his father and grandfather before him, Patrick Hepburn, second lord Hailes, was a consistent supporter of the Scottish crown.<sup>57</sup> He was a regular parliamentary attendee, sitting at first as master of Hailes in 1479.<sup>58</sup> He was sheriff of Berwickshire and bailie of Lauderdale from 1480, and, in August 1482, after a seven week siege, it was Patrick Hepburn (acting as sheriff and keeper of Berwick) who ultimately surrendered the town to the dukes of Gloucester and Albany.<sup>59</sup> On the death of his grandfather, Patrick Hepburn succeeded to the lordship of Hailes and continued his active interest in national politics: he was a conservator for the truce with England in 1484 and, although noted as a member of the nobility conspiring to capture and depose James III in 1485, was selected as provost of the capital in 1487.<sup>60</sup> There seems little evidence to push his disaffection with James III back much further than the mid 1480s and the reasons for such disaffection remain unclear.<sup>61</sup> The new lord Hailes may have

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<sup>56</sup> There is considerable confusion over the lifespan of Patrick, first earl Bothwell: although he had been served heir to his grandfather, Patrick, first lord Hailes, by 1482, and was not noted as being a minor, he was considered between twenty-eight and thirty in 1491 and, therefore, may have been several years younger than generally accepted, *Scots Peerage*, ii, 146; Hinds, A B (ed.), *Calendar of State Papers existing in the Archives and Collections of Milan* (London, 1912), no 444. The first earl is stated to have died on 18 October 1508, Scott, W, & Laing, D (edd.), 'Letters of assedation to Agnes, countess of Bothwell; and other deeds connected with the Hepburns, earls of Bothwell, and the Hepburns of Waughton, MDXX-MDLXIV', *The Bannatyne Miscellany*, 3 vols (Bannatyne Club), iii, 276. However, a document under the great seal of 12 May 1508 already notes him as *quondam*. This makes the exact date of death uncertain but may relate to the time the document was placed in the register, not the time it was subscribed, *RMS*, ii, no 3224. The first earl was noted as present in parliament in May 1509, although this is possibly an error for Adam, *APS*, ii, 275.

<sup>57</sup> *ER*, x, 792; Nicholson, *The Later Middle Ages*, 515.

<sup>58</sup> *APS*, ii, 121 (possibly his father), 134, 146, 153, 160, 168, 169, 175.

<sup>59</sup> Chalmers, *Caledonia*, iii 444; Ridpath, *Border History*, 306. In 1461, the Lancastrian queen, Margaret of Anjou, had ceded Berwick to the Scots in perpetuity for their support against the duke of York (later Edward IV). She had also promised to cede Carlisle but this remained unfulfilled, Dunlop, *Kennedy, Bishop of St Andrews*, 216, 220-1. Macfarlane, on no apparent evidence, states 'border families like the Homes and Hepburns cared little or nothing whether James III or Henry VII held Berwick', Macfarlane, *William Elphinstone*, 143.

<sup>60</sup> Rymer (ed.), *Fœdera*, xii, 241; *CDS*, iv, no 1505; Wood, M, *The Lord Provost of Edinburgh, 1296-1932* (Edinburgh, 1932), 8; Nicholson, *The Later Middle Ages*, 450.

<sup>61</sup> For discussion on the revolt, see Macfarlane, MacDougall, *James III*, 235-68; Macfarlane, *William Elphinstone*, 179-80; Brown, 'Scotland tamed?', 130-1.

personally disliked James III's style of governance, especially resenting crown interference in local affairs, or it may have been that he was bound by bonds of manrent and kinship to the insurgents.<sup>62</sup> Either way, that such a significant loyalist as Hailes deserted James III and led the rebel vanguard against him at Sauchieburn, demonstrates fully the extent of the political crisis of 1488.<sup>63</sup> Such action represented a considerable risk in committing the full Hepburn resources in favour of prince James.<sup>64</sup> For such risk, Hepburn was substantially rewarded.

MacDougall, in his extensive studies of this period, has recognised the worth of Hailes, and his Hepburn connections, to the new monarch, James IV, especially in their initial attempts to establish the legitimacy of the new reign.<sup>65</sup> Hailes was granted a number of politically prominent and financially rewarding posts, while his brothers, uncles and other close relatives were rewarded with governmental offices, household positions and land grants. The only family who could rival the Hepburns in terms of royal patronage - the Homes - were close allies.<sup>66</sup> Hailes was one of the lords who were most prominent around James IV in the early days of the reign, and he continued to play a major governmental rôle throughout the last

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<sup>62</sup> Kelham, *Bases of Magnatial Power*, 5; Chalmers, *Caledonia*, iii, 445; Macfarlane, *William Elphinstone*, 179. Macfarlane would place Hailes among the disaffected from his accession to the title - however, he cannot furnish any reason for such except his, presumed, close alliance to Home, *ibid.*, 179. For discussion concerning the reasons why Patrick, lord Hailes, fought against James III see Kelham, *Bases of Magnatial Power*, 6; Chalmers, *The King's Council*, 51; MacDougall, *James III*, 242; Macfarlane, *William Elphinstone*, 137, 179; Nicholson, *The Later Middle Ages*, 523.

<sup>63</sup> James III considered Hailes one of the rebel faction who might have preferred to come to an accommodation. As such, Hailes accepted the earl of Atholl as a hostage for James III's behaviour, Ridpath, *Border History*, 317, and was a negotiator for reconciliation in the months prior to Sauchieburn, Nicholson, *The Later Middle Ages*, 528; Macfarlane, *William Elphinstone*, 178.

<sup>64</sup> Hailes was not alone in the field: he was supported at Sauchieburn by several members of his close kin group - John Hepburn, prior of St Andrews (who had also been close to James III, Hannay, R K (ed.), *Rentale Sancti Andree*, (SHS, 1913), p. x) and four other Hepburn lairds fought on the prince's side, MacDougall, *James III*, 257.

<sup>65</sup> MacDougall, *James III*, 256-7; MacDougall, N, *James IV* (Edinburgh, 1989), 50-1; see also Nicholson, *The Later Middle Ages*, 523; Macfarlane, *William Elphinstone*, 403; Kelley, *The Douglas Earls of Angus*, 215-20; Chalmers, *The King's Council*, 253-68.

<sup>66</sup> The mother of Patrick, second lord Hailes, was Ellen Home, daughter of sir Alexander Home of that ilk, *Scots Peerage*, ii, 149. The Home grants included the offices of chamberlain, keeper of Stirling Castle, wardship of the earl of Mar (the king's younger brother), warden of the east march, steward of the earldom of March and lordship of Dunbar, bailie of Ettrick Forest and keeper of Newark Castle.



decade of the fifteenth century and the first decade of the sixteenth century.<sup>67</sup> It is, however, less than certain, how much this represented a sea change in Scottish politics and how much it was a return to the *status quo ante*. The major political offices of chancellor (Argyll), treasurer (Knollys), clerk register (archdeacon of St Andrews) all returned to previous holders and the office of secretary was retained by the experienced Archibald Whitelaw.<sup>68</sup> It was only in respect to the household offices and the positions which dealt with patronage that change was instigated: Hailes was created master of the household;<sup>69</sup> his uncle, John, prior of St Andrews, replaced the provost of Lincluden as keeper of the privy seal; the master of Home succeeded the duke of Montrose as chamberlain; William Hepburn, vicar of Linlithgow, was granted the office of clerk register (taking over from Thomas Tod); and George Hepburn succeeded to the directorship of the chancery.<sup>70</sup> Although some of the new office holders only held their positions for a limited period, the changes emphasised not only the significance of control of royal patronage but also the importance attached to one of the perceived failings of James III - that he patronised the wrong men and favoured 'low-born favourites'.<sup>71</sup>

By mid October 1488, Patrick Hepburn, second lord Hailes, had been rewarded for his participation at Sauchieburn with the style earl Bothwell and extensive powers in the south of

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<sup>67</sup> In the twenty years between Sauchieburn and his death in 1508 he never once failed to appear in over seventy-five per cent of witness lists of great seal charters and on five occasions (1489, 1490, 1493, 1503, 1504) he was a witness to every charter presented, Chalmers, *The King's Council*, 429-75.

<sup>68</sup> MacDougall, *James IV*, 51.

<sup>69</sup> APS, ii, 199. This office was soon recovered by Colin Campbell, first earl of Argyll, a previous holder, whereafter, it became hereditary, MacDougall, *James IV*, 82.

<sup>70</sup> George Hepburn was chosen as the new director of chancery but only appeared by such designation on one occasion and was succeeded by Robert Colville, Chalmers, *The King's Council*, 472. William Hepburn, vicar of Linlithgow, likewise, held the position of clerk register only for a short period. Other Hepburn appointments included: Alexander Hepburn as sheriff of Fife; John Hepburn (the privy seal) as keeper of Falkland Palace; John Hepburn (first cousin of the earl and bailie and custumar of Haddington) as principal steward of the royal household and collector for letting crown lands; Patrick Hepburn as master of the royal cellar and larder; Adam Hepburn of Ogston (later styled 'of Craggis'), the earl's brother, was created keeper of the king's stable and received the lands of Culcleuch after the battle of Aberfoyle in 1489. Other Hepburns, notably the abbot of Arbroath and prior of St Andrews were prominent at court also and were advanced when opportunities within the church arose, RMS, ii, nos 1731, 1732, 1733, 1763, 1804, 1845, 1846, 1847, 1901, 1906; SRO, GD160/2/2; MacDougall, *James IV*, 51-2.

the realm.<sup>72</sup> He was the only successful participant in the battle to be rewarded at comital level and, when the grant of the earldom was confirmed in parliament, the lands contained within it were extensive: to his own lordship of Hailes, were added the lordships of Crichton and of Bothwell (which was only forfeited by John Ramsay, lord Bothwell, at the same parliament)<sup>73</sup> and the baronies of Kirkmichael and Dryfesdale in Dumfries-shire.<sup>74</sup> [See Map 3] Further

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<sup>71</sup> For discussion of this aspect of James III's reign, see MacDougall, *James III*, 269-95.

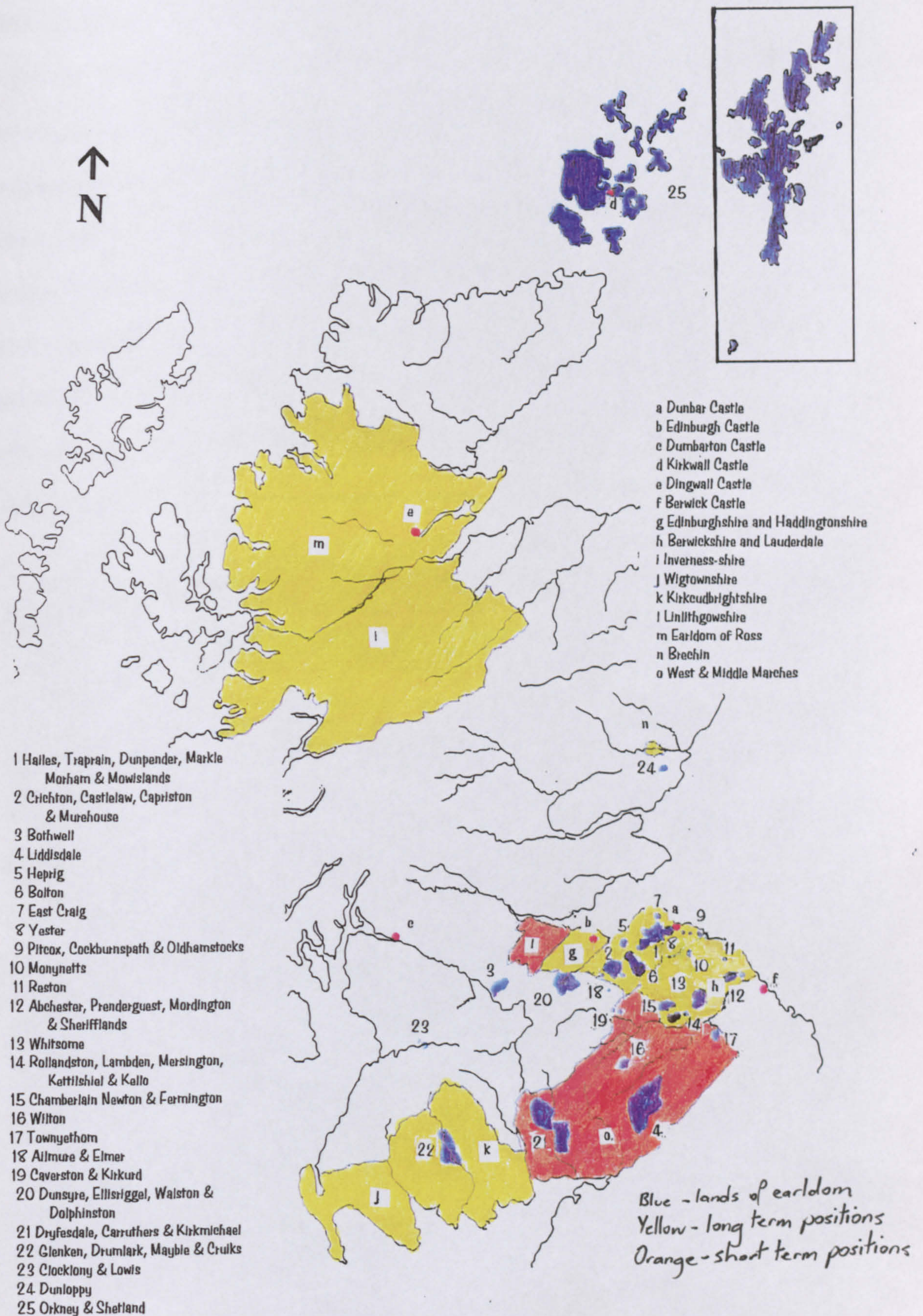
<sup>72</sup> MacDougall, *James IV*, 60. *Scots Peerage* states 17 October as the date of ennoblement but this appears to be the ratification in parliament, *Scots Peerage*, ii, 151; *APS*, ii, 205-6. On 13 October, Patrick received an extensive grant of the lands and lordship of Crichton and Bothwell, *RMS*, ii, no 1784, and, on 16 October, Patrick Hepburn witnessed a charter as 'Bothwell', SRO, GD112/3/7. Walter Macfarlane, writing in the 1750s, noted a charter creating Patrick Hepburn as earl Bothwell on 1 October 1488, Clark, J T (ed.), *Genealogical Collections Concerning Families in Scotland by Walter Macfarlane, 1750-1751*, 2 vols (SHS, 1900), ii, 382 and Laing, in 1855, claims he was ennobled immediately following the battle of Sauchieburn, Laing (ed.), 'Letters of Agnes, countess of Bothwell', *Bannatyne Miscellany*, iii, 276. Almost immediately the style adopted appears as 'earl Bothwell' as opposed to 'earl of Bothwell', *APS*, ii, 219, Stuart, J (ed.), *The Miscellany of the Spalding Club*, 5 vols, (Spalding Club, 1841-52), iv, 136. For further details of the style of the earl see Appendix 5.

<sup>73</sup> *APS*, ii, 205. John Ramsay, an esquire of James III's chamber, had been created lord Bothwell on 16 February 1483. He held various crown appointments, including ambassador to Henry VII, and fought by the king's side at Sauchieburn in 1488. Forfeited by James IV's first parliament, he went into exile in England and remained a pensioner of Henry VII until April 1497, continuing to style himself lord Bothwell, *CDS*, iv, nos 1551, 1570, 1581, 1584, 1598, 1602, 1606, 1611, 1620, 1624. Patrick Hepburn received some of his lands, although lord Home received his family estates in Fife, HMC, *Twelfth Report*, app. viii, 79, 158, 159. Despite Ramsay's frequent activities as spy and informant, he was rehabilitated by James IV in 1496 and later restored to some of his lands, *RMS*, ii, nos 2349, 2453. In 1503, he served as captain of Linlithgow Palace, *CDS*, iv, 1713, and in 1510, his lands were erected into the barony of Balmain 'for good service and special favour', *RMS*, ii, no 3460. Ramsay died, at the king's side, at the battle of Flodden, *ER*, xiv, 480. For further details see Cokayne, G E, Gibbs, V, Doubleday, H A, Warrand, D, Scott-Ellis, T E, White, G H, & Lea, R S (edd), *The Complete Peerage*, 13 vols (London, 1910-40), ii, 237; *Scots Peerage*, ii, 132-4. For some of the implications of the grant of barony to Bothwell, see Gilbert, J, *Hunting and Hunting Reserves in Medieval Scotland* (Edinburgh, 1979), 45, 188.

<sup>74</sup> *APS*, ii, 205-6; *RMS*, ii, no 1784.



Authority exercised by Patrick, first earl Bothwell





grants followed: of land;<sup>75</sup> of wardships and marriages;<sup>76</sup> and of money in exchange for gifts, debts and services.<sup>77</sup> Patrick, first earl Bothwell, was securely established as a major landed magnate in southern Scotland. Further official grants as admiral,<sup>78</sup> keeper of Edinburgh Castle and its artillery,<sup>79</sup> sheriff of Edinburgh and constable of Haddington,<sup>80</sup> were in addition to household posts as the master of the household and governor of Alexander, duke of Ross, the king's younger brother and heir.<sup>81</sup> The positions emphasised that the new earl was not simply to play a rôle on a local stage, but be involved in politics at the national and international level. Still further grants, as justiciar, bailie and landowner in Orkney and Shetland (with the keepership of Kirkwall Castle)<sup>82</sup> and the captaincy of Dumbarton Castle,<sup>83</sup> spread his influence even further. To the new earl's political, household and military positions were added financial responsibilities as collector of the king's rents for Edinburgh, Haddington,

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<sup>75</sup> Half of the baronies of Yester, Duncanslaw and Morham, *RMS*, ii, no 2013. These lands had been resigned and then granted, in liferent, by Andrew MacDowall of Makerston to his wife, Eupheme Hepburn, daughter of first lord Hailes, *RMS*, ii, no 1360. For later grants, see *RSS*, i, nos 1037, 1165.

<sup>76</sup> Dickson, T, Balfour Paul, J, & McInnes, T (edd.), *Compota Thesaurariorum Regum Scotorum. Accounts of the Lord High Treasurer of Scotland*, 13 vols (1877-1978), i, 201; ii, 183, 184; *ER*, xi, 303, 325, 369, 380; *RMS*, ii, nos 2932-2935.

<sup>77</sup> *TA*, i, 103; ii, 19, 273; iv, 123; *ER*, xi, 191, 374. As well as royal grants, Bothwell also received gifts from elsewhere: in March 1495, Aberdeen town council granted the earl a gift from the common good, Stuart, J (ed.), *Extracts from the Council Register of the Burgh of Aberdeen*, 2 vols (Spalding Club, 1844-8), i, 57.

<sup>78</sup> *RMS*, ii, no 1774. This grant was for his lifetime. It would be interesting to know how much of James IV's interest in maritime affairs and shipping was shared (or fostered) by Patrick Hepburn, his admiral and, effectively, his governor.

<sup>79</sup> *RMS*, ii, no 1741; *APS*, ii, 211. The grant was for seven years, along with an annuity of 300 merks from the burgh customs of the capital.

<sup>80</sup> *RMS*, ii, no 1742. This grant was initially for seven years. In 1492, a peace treaty between James IV and Henry VII was negotiated at Newcastle, in England, and Haddington, in Scotland. The extension to the treaty was also negotiated at Haddington. This would seem to clearly imply who was in control of the functions of Scottish government, Ridpath, *Border History*, 319-20.

<sup>81</sup> *APS*, ii, 211. The governorship of the duke of Ross brought specific responsibilities for which the earl was suitably recompensed with sums running into thousands of pounds, *ER*, x, 58-59, 77, 163, 197; *TA*, i, 118, 179. The earl was responsible for safeguarding the duke's possessions - the earldom of Ross, castle of Dingwall, sheriffdom of Inverness and the lordships of Brechin and Navar [See Map 3.]

<sup>82</sup> *RMS*, ii, no 1845; Anderson, *Robert Stewart*, 19. The grant of the lands and lordship of Orkney and Shetland was made to Patrick, earl Bothwell and John, prior of St Andrews. It was for thirteen years, as were the grants, the same day, of the keepership of Kirkwall Castle, *RMS*, ii, no 1846, and the offices of justiciar, bailie and folderie of the islands, *RMS*, ii, no 1847. (The previous day, these offices had been granted to Henry, lord Sinclair, *RMS*, ii, no 1844).

<sup>83</sup> *ADC*, i, 381.

Kirkcudbright and Wigtown;<sup>84</sup> judicial/administrative responsibilities as a lord of session, lord of the articles and, also, holder of assizes in the king's name;<sup>85</sup> and diplomatic responsibilities as ambassador to France, Spain and England.<sup>86</sup>

The new earl was called on to fulfil a number of differing rôles across the length and breadth of the realm. The October parliament emphasised the importance of the earl Bothwell and his ally, lord Home, on the border by making the two lords jointly responsible for justice within the sherifffdoms of Linlithgow, Edinburgh, Berwick (where Bothwell was still sheriff) and the constabulary of Haddington. Patrick Hepburn alone was responsible for justice in Wigtown and Kirkcudbright (where he was appointed steward).<sup>87</sup> Combined with the responsibilities of the earl of Angus - Roxburgh, Selkirk, Peebles, Lanark and Dumfries (in conjunction with lord Maxwell) - the government of James IV was placing its faith in control of southern Scotland in the hands of a very few men.<sup>88</sup>

In the last decade of the fifteenth century, Bothwell also served as warden of the west and middle marches, giving him responsibility, in one form or another, for a tract of land stretching from Stranraer to the Berwickshire coast.<sup>89</sup> Although there is evidence that the earl actively administered his stewardry and the wardenries (and certainly received at least part of

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<sup>84</sup> APS, ii, 219.

<sup>85</sup> APS, ii, 229, 239; TA, i, 131; Chalmers, *Caledonia*, iii, 446.

<sup>86</sup> Rymer (ed.), *Fœdera*, xii, 446; Teulet, J B A T (ed.), *Inventaire Chronologique des Documents relatifs à l'Histoire d'Ecosse conservés aux Archives du Royaume à Paris* (Abbotsford Club, 1839), 53; Chalmers, *Caledonia*, iii, 446. It is uncertain whether he went anywhere other than England and France, APS, ii, 224; CDS, iv, no 1574. Equally important in his diplomatic missions with England were his positions as warden of the marches and admiral. Both these positions enabled him to guarantee that full settlement of justice as regards the final clause in the treaties of perpetual peace concerning the borders and maritime matters, CDS, iv, no 1670, 1675, 1681.

<sup>87</sup> APS, ii, 208. He was appointed steward of Kirkcudbright and keeper of Threave Castle, for his lifetime, and the grant included all the lands and revenues that the previous keeper, John, lord Carlyle, had held, RMS, ii, no 1799.

<sup>88</sup> APS, ii, 208. *The positions were probably in addition to existing sheriffs.*

<sup>89</sup> APS, ii, 214. The grants of wardenry were for seven years and were followed by a grant of the keepership of Lochmaben Castle, also for seven years, RMS, ii, no 1875.

his fees), due to his frequent absences either on embassies or at court, he must have placed heavy reliance on deutes and bailies.<sup>90</sup>

The earl's rôle on the border was emphasised even more heavily in 1492, when the earl of Angus resigned his border lordship of Liddesdale and the earl Bothwell took over control.<sup>91</sup> Angus received tenure of the lordship of Kilmarnock but, because of legal problems, these were eventually abandoned and Angus received instead some lands of the lordship of Bothwell.<sup>92</sup> Liddesdale, and its central castle of Hermitage, was pivotal to the control of the Scottish western approaches. The position of lord of Liddesdale was not a sinecure and under James IV and James V it was one of the most active lordships in Scotland in terms of administration of justice.<sup>93</sup> In the 1480s and, again, in November 1491, the earl of Angus had entered an agreement with Henry VII to deliver up Hermitage Castle and join the English king in battle.<sup>94</sup> Stability and loyalty in the region, therefore, were vital. In Liddesdale, Bothwell again showed some signs of active lordship: the normal method of control was a guaranteed bond for the inhabitants. In 1495, Bothwell stood surety of £850 for the behaviour of twenty-eight Elliots, twenty-two Crosiers, twelve Armstrongs, six Henrysons, five Nixons, four

<sup>90</sup> *TA*, i, p. lxxxvi; *APS*, ii, 214; *RMS*, ii, no 1874. For deutes, bailies, administration and payment see *SRO*, GD10/618, GD10/620; *ER*, x, 77, 100, 163, 166, 171; xi, 313, 321; xii, 18, 38, 111, 117, 203, 256, 392, 537, 563; xiii, 15, 34, 185, 306, 466, 559; *Laing Charters*, no 238.

<sup>91</sup> *RMS*, ii, no 2092; Fraser, (ed.), *The Douglas Book*, iii, 130-1. For Angus's policy in Liddesdale, see Kelley, *The Douglas Earls of Angus*, 154-6. The family of Douglas of Cavers had been bailies of Liddesdale under Angus, Fraser (ed.), *The Douglas Book*, iii, 78-9.

<sup>92</sup> On 6 March 1492, the lordship of Liddesdale was granted to earl Bothwell in regality, the earl of Angus having resigned it two months earlier, on 29 December 1491. Angus received lands within the lordship of Bothwell in excambion on 4 July 1492, *TA*, i, p. cvii. MacDougall plausibly argues that the grant of Liddesdale was reward for the successful completion of the Franco-Scottish treaty two days earlier - a treaty Bothwell had been instrumental in fashioning, MacDougall, *James IV*, 95. See also *SRO*, GD39/1/22; *RSS*, i, no 587. The history of the physical lordship of Bothwell is complicated. For fuller discussion, see *Appendix 6* and Kelley, *The Douglas Earls of Angus*, 450-9.

<sup>93</sup> In 1500, Bothwell was standing personal surety for over fifty border tenants and, in 1501, Bothwell, acting as king's lieutenant, was ordered to raise lieges and pursue the Armstrongs and their supporters for escheat of their goods, *RSS*, i, nos 701, 1037.

<sup>94</sup> Fraser (ed.), *The Douglas Book*, ii, 77, 91; *CDS*, iv, p. xxxvii; Nicholson, *The Later Middle Ages*, 539; Kelley, *The Douglas Earls of Angus*, 223; Stell, G, 'Kings, nobles and the buildings of the later middle ages: Scotland', *Scotland and Scandinavia, 800-1800*, ed. G G Simpson (Edinburgh, 1990), 64.



Wighams and eight other residents of Liddesdale;<sup>95</sup> in 1498, he again stood surety for fourteen Elliots;<sup>96</sup> and, in 1502, he compelled the residents to sign a band of mutual assistance as part of the perpetual peace negotiations.<sup>97</sup> The Hepburns also had the authority and means to enforce the king's will - the family held letters of fire and sword to suppress and kill any troublemakers on the border, particularly Armstrongs.<sup>98</sup>

In and around the capital, the earl Bothwell was responsible for a number of strategic positions. In June 1488, he was one of the lords charged with seeking out the treasure of the late king and ensure it was accounted for; he was a lord of session; he was responsible for the keeping and artillery provision of Edinburgh castle; he was provost of Edinburgh in 1487 and 1488;<sup>99</sup> as sheriff of Edinburgh (and constable of Haddington) he was liable to administer justice in regular courts and submit annual accounts for fines and dues extracted through this legal process;<sup>100</sup> and as admiral he had administrative and judicial duties which took him to Leith. As in other areas, when time or inclination permitted, Patrick, earl Bothwell, played a personal rôle.<sup>101</sup> However, he normally placed heavy reliance on deputies for the carrying out

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<sup>95</sup> Armstrong, R B, *The History of Liddesdale, Eskdale, Ewesdale, Wauchopedale and the Debatable Land from the Twelfth Century to 1530* (Edinburgh, 1883), 187; Pitcairn, R (ed.), *Ancient Criminal Trials in Scotland*, 3 vols (Bannatyne & Maitland Clubs, 1833), i, 21\*; Elliot, G F S, *The Border Elliots and the Family of Minto* (Edinburgh, 1897), 22.

<sup>96</sup> Armstrong, *Liddesdale*, 188; Elliot, *Border Elliots*, 22.

<sup>97</sup> *TA*, ii, 347; *CDS*, iv, no 1682. In 1504, James IV combined a judicial 'raid' to Liddesdale and Eskdale with his fondness for hunting, Nicholson, *The Later Middle Ages*, 568; Gilbert, *Hunting and Hunting Reserves*, 225.

<sup>98</sup> *RSS*, i, nos 587, 700, 701, 2165; Nicholson, *The Later Middle Ages*, 568.

<sup>99</sup> Wood, *Lord Provost of Edinburgh*, 8-9. Bothwell was the first recorded provost of the capital to appoint a depute - James Crichton of Felde - to preside while he was absent. Although Bothwell had lost, or been stripped of, the provostship by April 1488, Crichton of Felde himself was elected to the position following the success of the battle of Sauchieburn, Wood, *ibid.*, 9.

<sup>100</sup> The sheriffdom of Edinburgh had been under the administration of the earl's uncle, Alexander Hepburn of Whitsome, between 1483 and 1485. In 1490, Whitsome was elected provost with John Inglis of Langlandhill as his depute, *APS*, ii, 173; Wood, *Lord Provost of Edinburgh*, 9. Hepburn interest within Haddington also remained strong: John Hepburn, burgess and bailie of Haddington, represented the town at the first parliament of James IV reign, *APS*, ii, 200.

<sup>101</sup> *TA*, i, 80, 179, 183, 254, 312, 355; *ER*, x, 139. From 1488-96 Bothwell was the third highest noble attendee as an auditor of causes and complaints during parliamentary sittings - behind the earl of Argyll (the chancellor), and lord Gray. Even when earl Bothwell was not sitting, Hepburn influence was still prevalent as John Hepburn, prior of St Andrews, was the most frequent attendee of

of the day-to-day duties of these offices.<sup>102</sup> Despite his positions of authority, Bothwell was not always law abiding and he was occasionally fined for failing to answer to pledges or failure to attend to governmental business. However, his reserves of goodwill for either 'stabilizing the cuntry' or subsidising the realm, normally ensured that such fines were remitted.<sup>103</sup>

It could be surmised that, through his acquisition of governmental and household positions and correspondent influence, Patrick Hepburn was establishing a position at the heart of power for his heirs and successors. To some members of the nobility he was seen as a threat and the armed rebellion of 1489 was, in part, directed against his influence at court.<sup>104</sup> Patrick Hepburn, however, remained at the centre of politics and his continued use by James IV, as advisor and friend,<sup>105</sup> after some of the earl's grants ceased demonstrated not only that he had the faith of the king but also that he had established the trust of the more 'traditional' nobility, to whom he would doubtless have remained something of an upstart.<sup>106</sup> Although the

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the clerical members of the panel, Hannay, R K (ed.), *Acts of the Lords of Council in Public Affairs, 1501-1554*, (Edinburgh, 1932), *passim*.

<sup>102</sup> SRO, GD157/265; GD158/48; *APS*, ii, 162, 163; HMC, *Twelfth Report*, app. viii, 90; *TA*, i, 216; Nicholson, *Later Middle Ages*, 450; Elliot, *Border Elliots*, 29; Wood, *Lord Provosts of Edinburgh*, 8-9. The deputies appear to have been local men specific to their area of jurisdiction.

<sup>103</sup> *ER*, xi, pp. xlv, xlvi, 283, 325; *RSS*, i, no 587. In 1500, the sum remitted exceeded £1,800. This related to pledges previously taken for the earl's Liddesdale tenants.

<sup>104</sup> Nicholson, *The Later Middle Ages*, 537; MacDougall, *James IV*, 49-79.

<sup>105</sup> It was not only in the political sphere that Patrick Hepburn exerted influence. As the king passed from boyhood to adolescence it was the earl Bothwell who engaged with him in manly pursuits: gambling, hunting, falconry and golf, *TA*, i, 171, 172; ii, 418, 419, 456; iv, 99. MacDougall goes so far as to state he was effectively the tutor of James IV, MacDougall, *James IV*, 105. Earl Bothwell received a regular stream of messengers from the king, whether on continental embassies or at home. These continued up until his death, *TA*, iv, 78, 115, 123; MacDougall, *James IV*, 90, 314-5. A 'private' officer-of-arms, Hailes pursuivant, operated as a courier between court and the earl, *ER*, x, 251; xi, 213; xii, 118, 565; xiii, 16; *ADCP*, 155; *TA*, i, 312, 357; ii, *passim*. Such heralds were not unusual in fifteenth century Scotland: there were a number of 'private' heralds: Angus, Islay and Lindsay; and pursuivants: Hamilton, Darnaway, Garioch, Kintyre, Montrose, Slains and Ormonde, Grant, F (ed.), *Court of the Lord Lyon, 1318-1945* (SRS, 1945), 8; Kelham, *Bases of Magnatial Power*, 6; Cokayne, *et al* (edd.), *Complete Peerage*, xi, appendix c, 92-100. Although there is no evidence of a private herald for either of the last two Hepburn earls, or for Francis Stewart, the concept of a private herald was still used, as in 1581, when an Orkney herald is recorded, Cokayne, *et al* (edd.), *ibid.*, xi, appendix c, 98.

<sup>106</sup> In 1508, one of Bothwell's closer allies, Thomas Halkerston, provost of Crichton, was nominated for the archdeaconry of Aberdeen. Halkerston was the tutor to James, archbishop of St Andrews (the

Hepburns of Hailes were a well respected family, the elevation of their head to comital power and influence, and the earl's subsequent promotion in parliamentary ranking, still was cause for some dissent.<sup>107</sup>

Although he was exempt from the revocation of 1493 and, on his death in 1508, had large debts owed to him by the crown, the first earl Bothwell did not always have the ability to dictate policy.<sup>108</sup> He had 'an over-enthusiastic and unproductive commitment to France' and tried constantly to arrange a French bride for the king, in the face of popular opposition, and without success.<sup>109</sup> As a result of frictions, Bothwell was not always on good terms with colleagues,<sup>110</sup> but he was a political realist and, in 1502-03, it was Patrick, earl Bothwell, who acted as ambassador and then as proxy for the English marriage to Margaret Tudor.<sup>111</sup> It was Bothwell who met Margaret in the king's name at Coldstream and, on the queen's formal

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king's illegitimate son). Bishop Elphinstone (who could be considered to represent traditional authority) objected to the preferment and Halkerston did not receive the benefice, Macfarlane, *William Elphinstone*, 219.

<sup>107</sup> Hailes had been relatively low down when it came to position in lists of parliamentary nobles - lords Avandale, Darnley, Erskine, Lindsay, Graham, Maxwell, Crichton, Oliphant, Montgomery, Seton, Haliburton, Abernethy, Hamilton, Gray, and Kilmaurs were normally named before him at the start of James III reign, *APS*, ii, 84, 88, 146, 153. As the reign progressed, Hailes grew in stature and appeared closer to the head of the lists of barons, *APS*, ii, 160, 168, 169, 175. Under James IV, as Hailes, master of the household, he is the first named of the barons, *APS*, ii, 200. When advanced to comital rank, Bothwell might have been expected to possess a lowly position in parliamentary lists, as he did initially, *APS*, ii, 212. However, through his governmental and household influence, he is normally listed third in sederunts - following Argyll and Huntly, *APS*, ii, 215, 216, 223, 228, 229, 231, 239, 247, 259, 266. The only others who could challenge such pre-eminence were the duke of Montrose (earl of Crawford) and earl of Angus, Macphail (ed.), *Highland Papers*, i, 96-99; see also Fraser, W (ed.), *Stirlings of Keir*, (Edinburgh, 1858), 265, 267, 269. (Although they generally follow the earl, on one occasion each, the earls of Errol and Morton, are listed above Bothwell, *APS*, ii, 216, 239).

<sup>108</sup> *APS*, ii, 237; *RMS*, ii, nos 3453, 3645. James 'at diverse times' used Bothwell to furnish ready cash, *TA*, i, 179, 185.

<sup>109</sup> MacDougall, *James IV*, 93, 99. In 1491, Bothwell was the lead ambassador to the French court. He was considered 'the foremost man by birth and influence in Scotland' and received the order of St Michael from Charles VIII, *CSP Milan*, nos 440, 443, 444, 445, 451, 453.

<sup>110</sup> SRO, GD124/1/536; HMC, *Mar & Kellie*, ii, 20.

<sup>111</sup> Rymer (ed.), *Fædera*, xii, 772, 776, 780; xiii, 54. He stood as proxy for the marriage of James IV and Margaret Tudor in January 1502. He would continue to be an important person for Margaret Tudor as a large proportion of her terce lands were in Haddingtonshire and Berwickshire, Ridpath, *Border History*, 329.



entry to the capital, it was Bothwell who went before the royal couple, dressed in a blue cloak, and carrying the sword of state - the leading functionary of a glittering renaissance court.<sup>112</sup>

While the lands held by the first earl Bothwell were significant, more important was the network of local contacts to which they gave access. While Wormald has stressed that landholding was not the only determinant of personal relationships,<sup>113</sup> with only a few bonds of manrent remaining extant (and only a few of the first earl's affinity or servitors known for certain) it is almost impossible to explain the non-tenorial relationships of the earls Bothwell.<sup>114</sup> In the twenty-six years in which Patrick Hepburn was head of the house of Hepburn, he added extensively to his landholdings throughout Scotland. In some cases he used transactions to re-emphasise long-standing links of kinship or friendship; in other cases, he formed new connections which would be of benefit not only to the first earl but also to his successors. In general, the Hepburn family were calculating in preserving their land holdings. They recognised that the acquisition of land was often only a temporary measure and sought to consolidate their influence through other methods.<sup>115</sup>

In relation to the acquisition of new territory, Patrick, earl Bothwell, not only benefited from his new-found financial security but also from the favour of the king and the problems of others. When George, second earl of Rothes, was apprised in October 1495, he granted to

<sup>112</sup> Nicholson, *The Later Middle Ages*, 554; Miller, *Lamp of Lothian*, 52.

<sup>113</sup> Wormald, *Lords and Men*, 1-2.

<sup>114</sup> One of the exceptions was Robert Gordon, son of John Gordon of Lochinvar, who is described as 'man and servitor of Patrick, erle of Boithuile', *ADC*, iii, 105. Seton of Tullibody signed a bond with the third earl of Huntly, saving his loyalty to the king and Bothwell (to whom he was already bound) and Stewart of Garlies signed a similar bond to lord Maxwell, Stuart, J (ed.), 'Papers from Gordon Castle', *Miscellany of Spalding Club*, iv, 191; Fraser (ed.), *Caerlaverock*, ii, 448; Wormald, *Lords and Men*, 61, 33. In 1503, David Balfour of Caraldstone acted as the earl's procurator in a case before the lords of council concerning wrongful possession of forage from the king's wood, *ADC*, iii, 281.

<sup>115</sup> Patrick Hepburn disposed of lands which he no longer required: Daltonheugh in Dryfesdale to John Carruthers of Holmends; and the barony of Lochquarriot to John, lord Hay of Yester, SRO, GD78/3; GD78/4; *RMS*, ii, no 2456. Like other noble kindreds, the Hepburns saw admission into the church as an outlet for the talents of younger sons who could not hope to inherit sizeable family property, see *Scots Peerage*, ii, 141-56.



Bothwell two parts of the barony of Dunloppy in relief of non-entry dues of £625 11s 2d.<sup>116</sup> Bothwell acquired half of the lands of Terrauchtie and half the lands of East Craig, probably for similar reasons.<sup>117</sup> He also acquired the baronies of Yetholm from Andrew MacDowall of Makerston (his uncle through marriage);<sup>118</sup> Wilton from John Scot of Wilton;<sup>119</sup> Chamberlain-Newton from Patrick, lord Lindsay of the Byres;<sup>120</sup> and the lands of Fermington from William Maitland of Lethington;<sup>121</sup> and Heprig and Panstoun from William Baillie of Lammington.<sup>122</sup> Some of these grants were acts of favour by James IV, others were, more probably, seen as security transactions which helped the king offset some of his substantial debts to the earl.<sup>123</sup>

[See Maps 1, 2 & 3]

In addition to exhibiting interest in creating a strong, consolidated comital territory, earl Patrick tried to ensure the worthiest connections for his close family. He, himself, married Janet Douglas, the daughter of James, first earl of Morton, and grand-daughter of James I.<sup>124</sup> Such a match had two obvious advantages: firstly, it reaffirmed links between the Hepburns and the strongest family in Scotland; and secondly, it strengthened the Hepburn position in their local area, where the Douglasses were still very powerful. Kelham considers that the marriage may have been a political miscalculation on Morton's part, in that he and Hailes

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<sup>116</sup> *RMS*, ii, no 2275; Wormald, *Court, Kirk and Community*, 16. When Bothwell received the lands, he immediately sold them on to Adam Hepburn, his brother, for the same amount, *RMS*, ii, no 2397.

<sup>117</sup> *RMS*, ii, nos 2998, 3026. Terrauchtie was acquired from George Herries and East Craig from Thomas Craig.

<sup>118</sup> *ibid.*, no 2254.

<sup>119</sup> *ibid.*, no 2255.

<sup>120</sup> *ibid.*, no 2482.

<sup>121</sup> *ibid.*, no 3030.

<sup>122</sup> *ibid.*, no 3137.

<sup>123</sup> Patrick, earl Bothwell, was not only a landlord - in some cases he was also a tenant (and not always a popular tenant). In February 1500, Robert Douglas of Lochleven infefted Bothwell in thirty-nine husbandlands of Longnewton, at the king's command. These lands had been forfeited by George Rutherford of Longnewton and Lochleven had previously lodged an instrument of protest at receiving the earl as a tenant (which was disregarded), SRO, GD150/258; GD150/259a-c; *RSS*, i, no 366; *RMS*, ii, no 2522.

<sup>124</sup> She was, probably, dead by February 1483 when Bothwell's barony of Dunsyre was regranted to the earl in his name only, *RMS*, ii, no 1552. It had previously been held in conjunt fee with his wife, *RMS*, ii, no 1459.

ended up on opposite sides during the conflict of 1488. He speculates that Morton may have been trying to attach Hailes to his cause but, if that failed, was calculating that he would be ensuring himself a powerful voice in each camp should it come to a confrontation.<sup>125</sup> Noting that Hailes did not witness any known Morton charter,<sup>126</sup> and being unaware of the dates of not only the marriage but also the death of Janet Douglas, such speculation is unhelpful and mischievous.<sup>127</sup> By early 1491, Bothwell had remarried to Margaret Gordon, daughter of the second earl of Huntly.<sup>128</sup> This marriage could be seen as part of a wider policy, then taking place, of reconciling the lords who had remained loyal to James III with the new regime. The marriage was successful, in that it produced four sons and two daughters and also a bond of friendship between the two earls.<sup>129</sup> One of the sons entered the church and held the bishopric of Brechin and the fact that three male children were left to split their heritage on the earl's death, probably reflects their youth at that time of their father's death. Lacking greater details, it is difficult to ascribe the marriage contracts of Bothwell's children either to the earl or his son and heir. Certainly they show a political astuteness when it came to brokering deals: before 1506, Janet, the only child of the earl's first marriage, married George, later third lord Seton;<sup>130</sup> and, in 1509, Margaret, Patrick's elder daughter from his second marriage, married

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<sup>125</sup> Kelham, *Bases of Magnatial Power*, 165.

<sup>126</sup> *ibid.*, 166.

<sup>127</sup> For further, if sparse details, see *Scots Peerage*, ii, 152.

<sup>128</sup> *Scots Peerage*, ii, 152. The contract was dated 21 February 1491. Bothwell had been offered the choice of either Margaret or Katherine Gordon. He received a tocher of £1,333 and signed a bond of mutual kindness with Huntly to seal the contract. Katherine Gordon, the daughter Bothwell rejected, married Perkin Warbeck, the pretender to the English throne in 1495, Stuart, J (ed.), 'Papers from the charter chest of the duke of Richmond at Gordon Castle', *Miscellany of the Spalding Club*, iv, 136, 187.

<sup>129</sup> Gordon, C (ed.), *The Records of Aboyne, MCCXXX-MDCLXXI* (New Spalding Club, 1894), 407.

<sup>130</sup> Seton, G (ed.), *History of the Family of Seton*, 2 vols (Edinburgh, 1896), i, 108, 112; Fullarton, J (ed.), *The History of the House of Seytoun to the Year MDLIX. By Sir Richard Maitland of Lethington, Knight. With the Continuation by Alexander, Viscount Kingston, to MDCLXXVII* (Bannatyne & Maitland Clubs, 1829), 38.



Archibald, sixth earl of Angus.<sup>131</sup> The status of the marital partners of the two Hepburn children and, that of the earl's own second wife, suggest a widespread acceptance of the influence and position to which Patrick Hepburn had succeeded. In each case, the new associations strengthened the earl's national and local positions even further.

Bothwell also was aware of his wider kindly responsibilities - in addition to the appointments made during the early days of James IV's reign, the earl utilised relations as deputies and officials in many of his offices (either officially or unofficially),<sup>132</sup> assisted members of his family active at court,<sup>133</sup> and actively promoted cases for preferment, such as that of George Hepburn (d. 1513), abbot of Arbroath, who, after the earl's death, was nominated as bishop of the Isles.<sup>134</sup>

The first earl Bothwell established a power base which was considerable. It was solidly founded on court patronage and soundly buttressed by diplomatic, administrative and governmental success. Throughout the fifteenth century, the Hepburns had remained a middle ranking family of considerable influence in and around Haddington. The family were involved in national affairs but rarely as anything more than a small fish in a large pond. Patrick, first earl Bothwell, became chief shark. To a certain extent he filled the political vacuum in the

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<sup>131</sup> *Scots Peerage*, ii, 152, 155; Fraser, W (ed.), *The Scotts of Buccleuch*, 2 vols (Edinburgh, 1878), ii, 117-9; Fleming, D H, *The Reformation in Scotland* (London, 1910), 496.

<sup>132</sup> Alexander Hepburn of Whitsome, his uncle, who had been sheriff and provost of Edinburgh, was responsible for the upkeep and storage of artillery, *TA*, i, 90, and acted as admiral depute, *ADCP*, 290; John Hepburn received household expenses, *TA*, i, 114, and was serjeant and then depute within the sheriffdom of Edinburgh and the constabulary of Haddington, SRO, GD12/69; Harvey & Macleod, *Calendar of Writs at Yester House*, nos 213, 239, 309, 311.

<sup>133</sup> James IV utilised sir Adam Hepburn of Craggis, master of the king's stable, and the earl's brother, for loans, advice and other services, *TA*, i, 126; ii, 409; iv, 373.

<sup>134</sup> Hannay (ed.), *Rentale Sancti Andree*, p. xvi; Mackie, R L (ed.), with Spilman, A, *The Letters of James the Fourth, 1505-1513. Calendared by Robert K Hannay* (SHS, 1953), 173; *CLP(F&D)HVIII*, i, no 1112; Dowden, *Bishops of Scotland*, 291; Keith, R, *An Historical Catalogue of the Scottish Bishops down to the Year 1688* (London, 1924), 305-6; Watt (ed.), *Fasti Medii Aevi*, 204. The earl was still influential when the process was undertaken to reunite the abbacy of Fyvie with the abbey of Arbroath, Macfarlane, *William Elphinstone*, 261.

south east created by the decline in fortunes of, firstly, the earls of March; then, the earls of Douglas; and, finally, the dukes of Albany.<sup>135</sup>

#### **Adam, second earl Bothwell, third lord Hailes (c1492-1513)**

Adam, second earl Bothwell, was only a teenager at the time of his father's death. It is possible that he was still under age when he himself died, leading the rear-guard at Flodden.<sup>136</sup> During the earl's short life, sir Adam Hepburn of Craggis, his father's brother and co-executor, attended to the affairs of the earldom and its associated offices.<sup>137</sup> Craggis also undertook the tutory of the second earl (who was later educated at St Andrews),<sup>138</sup> acted as sheriff principal of Edinburgh, Haddington and Berwick<sup>139</sup> (with John Hepburn of Rollandston as his depute in Lothian)<sup>140</sup> and co-ordinated the administration of the earl's outlying possessions, including Liddesdale.<sup>141</sup> As a former household official Hepburn of Craggis

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<sup>135</sup> While it is difficult to accurately assess the relationship between the vassals and dependants of the noble landowners in the east march and vassals and dependants of Hepburns of Hailes, many of the families involved with the earls of March and Douglas and dukes of Albany did play a significant rôle in the administration and personal relations of the earls Bothwell. For analysis of the vassals and dependants of Albany, see Kelham, *Bases of Magnatial Power*, 220-84.

<sup>136</sup> Thomson, T (ed.), *A Diurnal of Remarkable Occurrents that have Passed Within the Country of Scotland since the Death of King James the Fourth till the Year MDLXV* (Bannatyne & Maitland Clubs, 1833), 3; Tayler, A, & Tayler, H (ed.), *The House of Forbes* (Third Spalding Club, 1937), 60. The earl acted with great bravery at Flodden, even threatening to take the English standard from above the earl of Surrey, Burke, B, *A Genealogical History of the Dormant, Abeyant, Forfeited and Extinct Peerages of the British Empire* (London, 1883), 270. It is interesting to note that the positioning of Adam Hepburn on the battlefield may give a clue to the formation of the Scottish forces - although the exact battle lines are unknown. If, like his father and the opposing admiral, the lord Howard, he was meant to be responsible for the vanguard, when the Scots forces turned round to face the English attacking from the rear of the expected position, they must have turned round in their place and not by ranks - thus leaving the admiral commanding the rearguard, *CLP(F&D)HVIII*, i, no 2246; Ridpath, *Border History*, 340. For discussion of Scottish battle array at Flodden, see Parsons, P, 'The army of James IV: "After the Almayns maner"?', *Scotland and War* (ASHS Conference Papers, 1995), 14-25.

<sup>137</sup> *RMS*, ii, no 3453.

<sup>138</sup> *TA*, ii, 460; v, 318, 319, 386.

<sup>139</sup> SRO, GD32/14/7.

<sup>140</sup> SRO, GD6/21.

<sup>141</sup> SRO, GD10/42; *RSS*, i, nos 2073, 2155, 2165.

continued in regular correspondence with his monarch.<sup>142</sup> Other prominent members of the Hepburn kindred - George, bishop of the Isles and treasurer of the kingdom,<sup>143</sup> and John, prior of St Andrews - were also involved in administering the estates of the second earl.<sup>144</sup> If John Hepburn's concern with the security of his ecclesiastical estates is an indication of his interests, it would seem that Adam Hepburn's interests were well protected from all but his closest family.<sup>145</sup>

The period of the second earl's stewardship of his possessions was one of consolidation: some lands which had been acquired by the first earl were returned to their original owners - Longnewton to Lindsay of Byres;<sup>146</sup> Pitcox to the king;<sup>147</sup> and Craik to Cockburn of Ormiston.<sup>148</sup> Other comital possessions were exchanged for lands which augmented the holdings of the second earl: Hay of Yester received the lands of Duncanlaw, the half-lands of

<sup>142</sup> *TA*, iv, 318, 332, 345, 347; *RSS*, i, nos 2063, 2361; MacDougall, *James III*, 306. The earl was a witness to great seal documents only twice, in January 1512. He signed as Adam, earl of Bothwell, lord Hailes, great admiral of Scotland, *RMS*, ii, nos 3680, 3688.

<sup>143</sup> In 1510, George Hepburn had been chosen as bishop of the Isles (with the abbacies of Iona and Arbroath *in commendam*) so that 'his authority and nobility of race may bind that uncivilised people in devotion to the church', *RSS*, i, no 2250; *RMS*, ii, no 3784; *CLP(F&D)IVIII*, i, nos 296, 502a, 502b, 588. For further details on George Hepburn, see Mackie (ed.), *The Letters of James IV*, 40, 173, 175-6, 180; Macphail (ed.), *Highland Papers*, iv, 185; Watt (ed.), *Fasti Medii Aevi*, 207-8; Nicholson, *The Later Middle Ages*, 547; Mackie, *King James IV*, 158.

<sup>144</sup> *RMS*, ii, no 3784; 'Letters of Agnes, countess of Bothwell', *Bannatyne Miscellany*, iii, 276.

<sup>145</sup> Dilworth, M, 'Canons regular and the reformation', *The Renaissance in Scotland*, edd. A A MacDonald, M Lynch and I B Cowan (Leiden, 1994), 165; Cant, R G, 'The building of St Andrews Cathedral', *The Medieval Church of St Andrews*, ed. D McRoberts (Scottish Catholic History Association, 1976), 32; Dilworth, M, 'The Augustinian chapter of St Andrews', *The Medieval Church of St Andrews*, ed. D McRoberts (SCHA, 1976), 121-36; Dowden, *Bishops of Scotland*, 37-40, 83. John Hepburn served as vicar-general of the vacant see on four occasions (1497, 1504, 1513, 1521) and was, himself, a candidate for the archbishopric on two of them (1513 and 1521), Herkless, J, & Hannay, R K, *The Archbishops of St Andrews*, 5 vols (Edinburgh, 1907-15), i, 75, 96-7, 183-4, 226.

<sup>146</sup> *RMS*, ii, no 3610. Bothwell had been granted sasine of Longnewton on his accession to the earldom with none of the attendant problems his father had faced, SRO, GD150/1398 (see above, page 52) and acted as tenant-in-chief until the re-grant to Byres, *RMS*, ii, no 3539.

<sup>147</sup> *TA*, iv, 344.

<sup>148</sup> *RMS*, ii, no 3282.



Yester and the patronage of Bothans church in exchange for the barony of Morham, Plewlands and the patronage of Morham church.<sup>149</sup>

Adam Hepburn was served heir and granted rights in his various possessions throughout 1508-09.<sup>150</sup> He was officially confirmed in his earldom in August 1511, probably as a marriage gift and when still under age.<sup>151</sup> His wife, Agnes Stewart, the illegitimate daughter of the earl of Buchan, and grand-daughter of James I, was granted the lordships and baronies of Crichton and Ersilton, and the lands of Traprain and Pitcox as her terce.<sup>152</sup> The grant of earldom also confirmed Adam Hepburn as great admiral of Scotland - an office which had been given to his father only for the duration of his lifetime.<sup>153</sup> The new earl had significant death duties to pay, some of which were set against debts owed to the previous earl by the king.<sup>154</sup>

Adam, second earl Bothwell, continued his father's efforts to acquire lands and extend the influence of the earldom: in 1509, Elgeriggil and Wallacetoun in Lanarkshire were united to the barony of Hailes and, in July 1511 (possibly again with a view to his forthcoming marriage), Adam gained the further lands of Dolphinston in Lanarkshire,<sup>155</sup> and the fief of the forest of Ferniehope, Kirkstead, Dryhope and half of Henwell in Ettrick.<sup>156</sup> [See Map 3] The Lanarkshire lands had pertained to the earls of Douglas and came at a high price. They had

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<sup>149</sup> *RMS*, ii, nos 3781, 3784. The lands received by Bothwell, in November 1511, were immediately sold on to Adam Hepburn of Craggis at the same monetary value, *RMS*, ii, no 3786.

<sup>150</sup> Fraser (ed.), *Buccleuch*, ii, 114; *RSS*, i, no 1941. In some cases he had significant non-entries to pay, *RSS*, i, no 2026. The earl never formally entered the barony of Bothwell, *RSS*, ii, no 174.

<sup>151</sup> *RMS*, ii, no 3635.

<sup>152</sup> *RMS*, ii, no 3637. Agnes Stewart later married Robert, fourth lord Maxwell, and then an Edinburgh merchant, Cuthbert Ramsay, captain of Crichton castle and brother of the laird of Dalhousie. Agnes Stewart received letters of legitimation in October 1552 (possibly in connection with her third marriage), *RMS*, iv, no 717, but must have died soon after, 'Letters and articles of Patrick, earl of Bothwell', *Bannatyne Miscellany*, iii, 407, 416; 'Letters of Agnes, countess of Bothwell', *Bannatyne Miscellany*, iii, 277. The countess also had an illegitimate daughter to James IV who married Malcolm, master of Fleming, *ibid.*, iii, 276.

<sup>153</sup> *RMS*, ii, no 3635.

<sup>154</sup> *ibid.*, no 3645.

<sup>155</sup> *ibid.*, no 3581.

<sup>156</sup> *ibid.*, no 3596.

been held by the crown for the previous fifty years and had non-entry dues of £30,000.<sup>157</sup> The second earl, like his father, could be used by the crown to fill political vacuums when the political situation required. The Ettrick lands were part of a significant up-turn in feuing in the area by James IV (followed on by James V). Despite this, the only nobility to gain grants in the area were earl Bothwell and lord Home - a continued indication of their importance on the border.<sup>158</sup>

From available evidence, the second earl was active concerning his rights of patronage,<sup>159</sup> and, administratively, the earldom appears to have followed a similar pattern to that set by the previous earl - no doubt because of the considerable continuity in the personnel within the earl's household and affinity. Where Adam Hepburn did have the opportunity to impose himself on his possessions, he behaved sensibly and received due recognition and reward. In Liddesdale for example, like his father, he was given the authority to pursue outlaws, escheat goods, burn property and even slay those who did not conform to the king's will.<sup>160</sup> Any fuller conclusions, however, concerning the effectiveness of the second earl and his personal administration of the earldom are restricted by the limited nature of the evidence and the early death of the earl at Flodden.

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<sup>157</sup> RSS, i, nos 1941, 2026.

<sup>158</sup> Madden, C, 'The feuing of Ettrick forest', *Innes Review*, xxvii (1976), 80; 'Letters of Agnes, countess of Bothwell', *Bannatyne Miscellany*, iii, 281. For lands held in tack from the crown, see *ER*, xiii, 653-4, 675-8, 701-6, 739-41.

<sup>159</sup> RSS, i, nos 2063, 2361; Bain, J, & Rogers, C (edd.), *Liber Protocolorum Mr Cuthberti Simonis Notarii Publici et Scribæ Capitula Glasguensis, AD 1499-1513*, 2 vols (Grampian Club, 1875), i, 528; ii, 447-8.

<sup>160</sup> RSS, i, no 2165; Pitcairn (ed.), *Criminal Trials*, i, 112\*; Elliot, *Border Elliots*, 23.



**Patrick, third earl Bothwell, fourth lord Hailes (c1511-1556)<sup>161</sup>**

Patrick Hepburn inherited the earldom of Bothwell when only a few months old and remained earl for forty-three years.<sup>162</sup> Even as a young child, the political influence of earl Bothwell was a useful totem to the regime in power. In May 1517, he was ordered to be placed in the duke of Albany's care, to be nursed by whosoever the regent chose.<sup>163</sup> Albany placed the young earl in the hands of Antoine d'Arces, seigneur de la Bastie, and his wife.<sup>164</sup> The late 1510s were a period of considerable disruption on the east marches and, as warden, de la Bastie was struggling to keep control of an area where he regularly witnessed the animosity of the Home family.<sup>165</sup> Like the Hepburns, the Homes had greatly benefited from the post-Sauchieburn settlement and, since the death of James III, had strengthened their position on the east march. The cynical placement of Bothwell in the household of de la Bastie (especially with the earl of Angus - another power on the east march - out of favour)<sup>166</sup> was a

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<sup>161</sup> There is contrary evidence as regards the date of birth of the third earl. Chalmers, on the evidence of Godscroft, accepts the date of birth as c1504, Chalmers, *Caledonia*, iii, 448. Francis Steuart prefers a later date for the earl's birth, *Scots Peerage*, ii, 157, and this would seem to be confirmed by a petition by the earl's mother dated 21 November 1517 requesting that she have custody of Bothwell until he 'was seven years complete', *ADCP*, 108. As a consequence of the later date of birth, there has to be an acceptance that Patrick Hepburn was politically active from his early teenage years.

<sup>162</sup> He inherited by virtue of the act of James IV which entitled the descendants of all who died at Flodden to be served as heirs regardless of age, Edinburgh University Library, *Laing Manuscripts*, II, 528. He was granted sasine of the earldom of Bothwell and barony of Hailes on 24 October 1513. Included in the sasine were the offices of admiral, sheriff of Edinburgh and Berwick, constable of Haddington and bailie of Lauderdale. At the same time he was infefted in the lands of Fermhope, Kirkstead, Dryhope and Henvennel, *ER*, xiv, 516. Pitscottie described the third earl as 'fair and whitely, something hanging shouldered and going forward, but of gentle humane countenance' and a 'young, lusty gentleman, fair and pleasant in the sight of women', Pitscottie, *Historie*, ii, 16-17; Cokayne, *et al* (edd.), *Complete Peerage*, ii, 238.

<sup>163</sup> *ADCP*, 91. The duke of Albany was also earl of March, Ridpath, *Border History*, 344. For his administration on the border, see MacIvor, I, 'Artillery and major places of strength in the Lothians and East Border, 1513-42', *Scottish Weapons and Fortifications, 1100-1800*, ed. D H Caldwell (Edinburgh, 1981), 104-22.

<sup>164</sup> *ADCP*, 108.

<sup>165</sup> *ER*, xiv, pp. xlv-xlvi; *ADCP*, 54; Rae, T I, *The Administration of the Scottish Frontier, 1513-1603* (Edinburgh, 1966), 26; Kelley, *The Douglas Earls of Angus*, 270-1; MacIvor, I, 'Artillery in the Lothians', 104-22.

<sup>166</sup> Kelley, *The Douglas Earls of Angus*, 296.

crude attempt by the governing party to secure political support for the Frenchman in an area traditionally within the Bothwell orbit. The policy did not prove fruitful: de la Bastie was killed by Home of Wedderburn near Dunbar in September 1517.<sup>167</sup>

Following the warden's death, Bothwell remained in the care of de la Bastie's wife and was taken to France, to be brought up by Albany, much to the annoyance of the earl's mother and close kin.<sup>168</sup> The Hepburn kin-group capitalised on the aftermath of the death of de la Bastie and again attempted to assert some form of influence within the east march at the expense of the Homes.<sup>169</sup> The earl returned to Scotland in December 1524 (along with the duke of Albany and David Beaton, abbot of Arbroath)<sup>170</sup> and continued his education at St Andrews.<sup>171</sup> He soon became involved in political affairs and served regularly on the king's council, and was regularly present at court and parliament, between 1526 and 1531.<sup>172</sup>

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<sup>167</sup> *ER*, xiv, pp. xlv-xlvi, 45-6; Dunbar, A H, *Scottish Kings: A Revised Chronology of Scottish History, 1005-1625* (Edinburgh, 1906), 227. De la Bastie was replaced as warden by the earl of Arran, although the earl of Angus coveted the office, *ER*, xiv, p. xlvi. For further discussion of the government of the marches at the period, see Emond, W K, *The Minority of James V, 1513-1528* (unpublished Ph.D., St Andrews, 1988), 143-190.

<sup>168</sup> *CLP(F&D)HVIII*, iv, no 935; *ADCP*, 108. The earl's mother and his 'nearest and tenderest friends' complained of madame de la Bastie's action in taking the earl to France. Regent Albany had already returned to France in June 1517, and, on the continent, Bothwell remained close to him and to David Beaton, abbot of Arbroath, Pitscottie, *Historie*, ii, 17; *CLP(F&D)HVIII*, iv, no 935; Dunbar, *Scottish Kings*, 227.

<sup>169</sup> The master of Hailes killed David Home, prior of Coldingham (and his brother-in-law) with the assistance of Ninian Chirnside of East Nisbet and William Cockburn of that ilk, Pitscottie, *Historie*, i, 303; *ADCP*, 353; *ER*, xiv, pp. xlv-xlvi; HMC, *Twelfth Report*, app. viii, 161; Dilworth, M, 'Coldingham Priory and the reformation', *Innes Review*, xxiii (1972), 120-1. In 1519, the new prior of Coldingham, Robert Blackadder (the illegitimate son of the sister of the previous earl Bothwell and the previous archbishop of Glasgow) was slain by the Homes (possibly with English assistance), *CLP(F&D)HVIII*, iii, no 480; Hay, D (ed.), *The Letters of James V. Collected and Calendared by the late Robert Kerr Hannay* (Edinburgh, 1954), 76, 78; Dilworth, 'Coldingham', 121-2; Ridpath, *Border History*, 348; Emond, *The Minority of James V*, 174.

<sup>170</sup> Stevenson, J (ed.), *Illustrations of Scottish History, from the Twelfth to the Sixteenth Century selected from Unpublished Manuscripts in the British Museum and the Tower of London* (Maitland Club, 1834), 114. David Beaton was later cardinal archbishop of St Andrews, and a close friend of Bothwell throughout his life. He had close relationships with a number of Hepburns but principally Patrick, prior of St Andrews (and later bishop of Moray), Sanderson, M H B, 'Kin, freindis and servandis', *Innes Review*, xxv (1974), 45; Sanderson, M H B, *Cardinal of Scotland: David Beaton, c 1494-1546* (Edinburgh, 1986), 162; Emond, *The Minority of James V*, 143-8.

<sup>171</sup> *TA*, v, 318, 319, 386.

<sup>172</sup> *APS*, ii, 308, 313, 321, 332, 333; *ADCP*, 290, 315, 349, 368, 629. He ranked behind the earls of Arran, Angus, Huntly and Argyll.



During his youth, the earl's interests had been protected by his tutors, John Hepburn, prior of St Andrews (d.1522),<sup>173</sup> James Hepburn, bishop of Moray (d.1524),<sup>174</sup> and Patrick Hepburn, master of Hailes (d. 1576), as well as other members of the Hepburn kindred.<sup>175</sup> Their rôle was of considerable importance as the governors of the kingdom were intent on restricting or curtailing the powers of the third earl. Following Flodden, lord Home had been given responsibility for administration of justice on the border and some Hepburn leases had been transferred out of the family's holding.<sup>176</sup> In June 1514, the lords of council asked the earl's tutors to prove that, by grant to the previous earl, the office of admiral had been made heritable. Although a charter was produced which satisfied the council, it did not prevent them from attempting to extend their authority by other means.<sup>177</sup>

<sup>173</sup> Innes, C (ed.), *The Black Book of Taymouth. With other Papers from the Breadalbane Charter Room* (Bannatyne Club, 1855), 119. In 1513, the prior of St Andrews (who also held the rectories of Dalry and Partoun under Hepburn patronage, *TA*, iv, 395) was considered for translation to the abbacy of Dunfermline but he did not receive the benefice and was not in a list of proposed office holders a year later, *CLP(F&D)HVIII*, i, nos 2443, 2550, 3119, 3617; ii, no 778; Hay (ed.), *Letters of James V*, 12-13. He was a close ally of Albany, Emond, *The Minority of James V*, 62-3, and as a result of a competition with Andrew Forman, bishop of Moray, and Gavin Douglas, bishop of Dunkeld, for the archbishopric of St Andrews, John Hepburn became the 'implacable enemy' of lord Home (Home actively supported the candidature of the successful Forman), Ridpath, *Border History*, 344; Dilworth, 'Coldingham', 121. For further aspects of his career (and his forty-three year control of the priory of St Andrews), see above, pages 39, 42, 56 and Emond, *The Minority of James V*, 15-7, 275, 640-64.

<sup>174</sup> Dowden, *Bishops of Scotland*, 167-8. James Hepburn, the son of Alexander Hepburn of Whitsome, had succeeded John Hepburn as rector of Dalry and Partoun (under Bothwell's patronage). Between June 1515 and January 1516 he was the realm's treasurer.

<sup>175</sup> *Scots Peerage*, ii, 157-8; *Laing Charters*, no 301; *ADCP*, 17, 76; SRO, GD103/2/2/3; Wade, T C (ed.), *Acta Curiae Admirallatus Scotiæ* (Stair Society, 1937), p. xiii. The tutors of the young earl backed Albany as governor, *CLP(F&D)HVIII*, ii, no 2128. There were other Hepburn allies on the council, although their political opinions did not always concur: Gavin Douglas, bishop of Dunkeld, held the prebend of Hauch under Bothwell's patronage, *CLP(F&D)HVIII*, ii, no 778.

<sup>176</sup> *CLP(F&D)HVIII*, v, no 595.

<sup>177</sup> *ER*, xiv, 44, 184; *ADCP*, 17; Chalmers, *Caledonia*, iii, 448. Some of the leased lands returned to the Hepburn kindred at a later date, but the charters of admiralty again had to be produced later in the reign of James V to establish jurisdiction, *ER*, xiv, 516. These actions were part of a general process by the new regime of establishing just what rights and authority each official or establishment held. Similarly, the burgh of Haddington had to prove its rights to exemption from certain customs duties in 1518 and, when it failed, was expected to render accounts for those commodities from the next financial year, *ER*, xiv, 608, 651.

In an action in February 1517, Robert Barton refused to consent to the lords of council acting as judges in an admiralty matter, demanding instead that the matter be 'held by [the admiral] in such a place as used and constituted in times bygone'.<sup>178</sup> In 1518, the council turned its attention to Liddesdale and asked James, bishop of Moray, to ensure that the master of Hailes either attend to judicial matters in the area or else transfer the keeping of Hermitage Castle to crown representatives. The bishop conceded that the master of Hailes should receive pledges for good order in Liddesdale but stated that he could not consent to the delivery of Hermitage. When the claims concerning Liddesdale persisted, the bishop of Moray and prior of St Andrews combined forces and informed the council that 'failing the bairn now in parts of France, he [master of Hailes] was the chief, and all the hale cuntre of Liddesdale was inemyis to him and als that ane part of Tevidale was nocht sickir to him'.<sup>179</sup>

Liddesdale remained the major concern of the third earl, on reaching maturity, and it was the cause of his frequent disgraces. The disorder of the area, in the period immediately following Flodden, was blamed on the minority of the third earl. However, the situation was not helped by the master of Hailes and prior of St Andrews occasionally failing to agree on policies to attempt to exert control.<sup>180</sup> In 1526, the earl of Angus assumed control of the area (possibly as lieutenant of the border) and pursued an active policy concerning the administration of justice.<sup>181</sup> Bothwell's kindred was closely involved in negotiations with Angus concerning the administration of justice in Liddesdale from 1526<sup>182</sup> and, by 1527, Patrick Hepburn had bound

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<sup>178</sup> *ADCP*, 76. A compromise was reached when the prior of St Andrews, himself a lord of council, suggested that he would arrange for an admiral depute (Patrick, master of Hailes) to fence a court within the floodmark of Leith and then adjourn the court to Edinburgh tolbooth for hearing the next day. On the latter occasion, the lords of council would act as assessors to the admiral depute but not as judges in their own right, *ibid.*, 76. Barton was a prominent Leith skipper who had had strong links with both James IV and the first earl, Mowat, S, *Port of Leith* (Edinburgh, 1994), 57-8, 67, 69.

<sup>179</sup> *ADCP*, 123, 141.

<sup>180</sup> Emond, *The Minority of James V*, 209-11.

<sup>181</sup> Angus engaged in six judicial raids over a three year period, Armstrong, *Liddesdale*, 253; Elliot, *Border Elliots*, 37. See also Emond, *The Minority of James V*, 525-50.

<sup>182</sup> *CLP(F&D)HVIII*, iv, nos 1978, 2003, 2017, 3404(ii); *TA*, v, 262, 263, 318; Kelley, *The Douglas Earls of Angus*, 378-9. Bothwell was still a teenager, and was then in education at St Andrews.



himself to keep the inhabitants and his tenants in good rule.<sup>183</sup> In 1528, Bothwell renewed his bond for the border, along with Walter Ker of Cesford, George Ker, Andrew Ker of Ferniehurst, Mark Ker of Littledean and Walter Scott of Buccleuch.<sup>184</sup> The earl still depended on his 'kin and friends' to assist him in the governance of the borders, especially at times of high international tension.<sup>185</sup> For better accountability, earl Bothwell was petitioned to become lieutenant of the Merse, Lothian and Teviotdale (the area he was effectively sheriff of) and was offered the option of making the office heritable as an incentive. Bothwell initially refused the office and the earl of Argyll was appointed lieutenant instead. With his authority challenged, however, Bothwell later reconsidered and received the heritable lieutenancy when Argyll demitted office.<sup>186</sup>

After taking up the position as lieutenant of Lothian and the Merse, Bothwell's immediate objective was to take action against the earl of Angus who was, by then, out of favour.<sup>187</sup> Bothwell besieged Tantallon Castle with two dozen guns provided from Edinburgh Castle and undertook to expel all Douglasses from the Merse. The earl Bothwell had been promised the lands of Tantallon in feu and heritage if successful and, within a month, had received his promised reward.<sup>188</sup>

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<sup>183</sup> *CLP(F&D)HVIII*, iv, no 3404(iii). When (following Liddesdale raids into England) the lords of council still planned to raise a host and invade Liddesdale 'for thir uttir destructioun', Bothwell asked to be released from his bond, *ADCP*, 276, 279. Lisle accused Bothwell of being party to the raids and Dacre considered that with Bothwell in control there was 'no hope of justice for Liddesdale', *CLP(F&D)HVIII*, iv, nos 3914, 4727.

<sup>184</sup> *CLP(F&D)HVIII*, iv, nos 5253, 5289; *ADCP*, 276, 279. These were, effectively, the wardens for the middle march and Teviotdale. Lord Home was warden of the east march and Robert, lord Maxwell (earl Bothwell's step-father) was warden of the west march.

<sup>185</sup> *ADCP*, 280, 283, 289. In 1543, the master of Hailes was acting as 'chief officer or deputy' in Liddesdale and encouraging the locals to raid England, Bain, J (ed.), *The Hamilton Papers*, 2 vols (Edinburgh, 1890-2), i, no 457; *CLP(F&D)HVIII*, v, no 300; 'Letters of Patrick, earl of Bothwell', *Bannatyne Miscellany*, iii, 406; Elliot, *Border Elliots*, 47, 49.

<sup>186</sup> *Diurnal*, 12-13; *ADCP*, 294, 296, 298, 304; Rae, *Administration of the Scottish Frontier*, 104. The lieutenancy gave ready access to all castles within the bounds of the office and the right to offer remissions as if they had come from the king himself, *ADCP*, 301, 306; *RSS*, i, no 4072.

<sup>187</sup> For the political career of the earl of Angus, see Kelley, *The Douglas Earls of Angus, passim*. For relations with Bothwell during the reign of James V, see *ibid.*, 543-7.

<sup>188</sup> *ADCP*, 301, 304, 307; Douglas, *Peerage*, i, 85; Chalmers, *Caledonia*, iii, 448.

The acquisition of Tantallon considerably strengthened Bothwell's position in Haddingtonshire. The Lothian lands of the earls Bothwell were the most extensive temporal lands in the sheriffdom; only the lands belonging to Haddington Nunnery could compete.<sup>189</sup> Despite this, it appears that Bothwell rarely acted in the area personally and continued to leave administrative matters to his deputies and kin (specifically, Patrick, master of Hailes, and his son, Patrick Hepburn of Bolton).<sup>190</sup> During the reign of James V, Bothwell was, effectively, a border lord. The influence which the earls Bothwell should have been able to exert in Lothian as head of the Hepburn kindred was never so extensive as in the period between Flodden and Solway Moss. The earldom lands were secure, the nunnery of Haddington was governed by a series of Hepburn prioresses and, Janet Hepburn, dowager lady Seton, held liferent of lands within the baronies of Seton and Tranent.<sup>191</sup> However, the lack of comital presence gave an opportunity to other landowners in the area to play a more visible rôle.<sup>192</sup> In the meantime, Bothwell was facing widespread disruption in Liddesdale.<sup>193</sup> The king had been forced to postpone a justice ayre while Bothwell was besieging Tantallon Castle and this had stored up

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<sup>189</sup> This premise is based on the tax roll for the building of the castle of Dunbar in 1550 in which dues were divided by regard to the extent of Haddingtonshire lands, *ADCP*, 606. Commentators such as Grey of Wilton and Jacques de la Brosse considered that the Haddington lands of the earl Bothwell could easily support 2,000 horse, *CSP Scot*, i, no 125; Dickinson, G (ed.), *Two Missions of Jacques de la Brosse. An Account of the Affairs of Scotland in the Year 1543, and the Journal of the Siege of Leith, 1560* (SHS, 1942), 44-5. In 1543, Bothwell also seized control of the lands of Haddington Nunnery, *Hamilton Papers*, i, no 537.

<sup>190</sup> *TA*, viii, 393, 401; *ER*, xiv, 625; *ADCP*, 381, 530, 533, 570; HMC, *Twelfth Report*, app. viii, 149; SRO, B30/1/3, f. 106v; 'Letters of Patrick, earl of Bothwell', *Bannatyne Miscellany*, iii, 407-8, 420-1. Both Patrick Hepburns served as sheriffs depute. The relationship between the earls Bothwell and burgh of Haddington remained significant: as well as the association with the nunnery and priory, Alison Hamilton, the wife of George Hepburn of Rollandston, took over his responsibilities as custumar of Haddington and continued in the position until around 1520, *ER*, xiv, 48, 190, 263. Chalmers, *Caledonia*, iii, 451; Sanderson, *Cardinal of Scotland*, 210.

<sup>191</sup> *ER*, xiv, 517. Janet Hepburn, lady Seton, retired to the house of St Catherine of Sienna but continued to exercise considerable influence over her lands and her children, Maidment, J (ed.), *Liber Conventus Sancte Katherine Senensis prope Edinburgum*, (Abbotsford Club, 1841), pp. xxi-xxii; Fullarton (ed.), *History of the House of Seytoun*, 38; Marwick, J D (ed.), *The History of the Collegiate Church and Hospital of the Holy Trinity, and the Trinity Hospital, Edinburgh, 1460-1661* (SBRs, 1911), 147.

<sup>192</sup> *CLP(F&D)HVIII*, xvii, no 638. During the earl's continental exile, lord Seton mustered Lothian, in place of the sheriff or his representatives.

<sup>193</sup> *ADCP*, 294, 301.



trouble. Bothwell was approached by the chancellor with proposals for better government in the area but the earl stated he could make no commitments until he had been to Liddesdale and seen the situation for himself. Having assessed the situation, Bothwell made a further bond at Peebles for the good rule of Liddesdale.<sup>194</sup>

At a parliament held in June 1529, James V adopted a novel approach to administer justice on the border - he arrested and imprisoned Bothwell, Maxwell, Buccleuch, Home, Johnstone, Dolphinston (Mark Ker of Littledean), Coldenknowis, the heir of the laird of Ferniehurst, Drumlanrig, Keir, Hennerlands and John Forrester in Edinburgh Castle.<sup>195</sup> James then, personally, went to the border and administered summary justice against various families.<sup>196</sup> The action appeared to work for the central administration on two fronts: firstly, following the action, the border remained quiet and, secondly, James V obtained a £10,000 bond of caution to release earl Bothwell in order that he might again administer justice on the border.<sup>197</sup> Bothwell's verbal promises from Peebles were now backed up by hard cash, and an obligation to relieve those who had stood caution for him.<sup>198</sup> Aware of his heightened obligations, the earl immediately petitioned to restrict his administration of justice to the future and not the past. Whether this was agreed or not, the earl was active in Liddesdale within a fortnight.<sup>199</sup> He instigated communications with the English and he wrote

<sup>194</sup> ADCP, 311; Kelley, *The Douglas Earls of Angus*, 400.

<sup>195</sup> ADCP, 327; *Diurnal*, 13; Fraser (ed.), *Caerlaverock*, i, 181; *Scots Peerage*, ii, 158; Thomson, T, & Laing, D (edd.), *A History of the Kirk of Scotland. By Mr David Calderwood, some time Minister of Crailing*, 8 vols (Wodrow Society, 1842-9), i, 100 [where it is misdated as 1530]. Earl Bothwell was accused of failure to keep Liddesdale, but was also suspected of treasonable dealings with Henry VIII and, probably, the exiled earl of Angus. The lairds of Dolphinston and Coldenknowis were later transferred to Blackness; Buccleuch and Ferniehurst's son to Falkland; Wamphray and Johnstone to Doune; Drumlanrig and Keir to Inchgarvey; Forrester to Alloa and Hennerlands into the custody of lord Hay of Yester, ADCP, 327. Remissions had previously been granted to supporters of both Bothwell and the earl of Angus, RSS, ii, nos 7, 9, 19-27, 30-35, 39.

<sup>196</sup> Watson, G, *The Border Reivers*, (Alnwick, 1994), 90-6; Elliot, *Border Elliots*, 38.

<sup>197</sup> - Pitcairn (ed.), *Criminal Trials*, i, 245\*; Elliot, *Border Elliots*, 39.

<sup>198</sup> ADCP, 340, 353; Elliot, *Border Elliots*, 38. Bothwell claimed to Northumberland that the bonds totalled £20,000, Chalmers, *Caledonia*, iii, 448.

<sup>199</sup> ADCP, 341.

to the earl of Northumberland and complained about his treatment by James V, stating that the king had forgotten the service of his father and grandfather to the realm. Bothwell asked for 1,000 horse and 1,000 foot from Henry VIII to combat the power of the king.<sup>200</sup> It was the first in a long line of attempts by Patrick Hepburn to play loyalty to Scotland against loyalty to England.

It was not long, however, before complaints about the earl's justice were again sent to the king.<sup>201</sup> Earl Bothwell was again asked to enter ward in Edinburgh Castle for failure to administer satisfactory justice on the border.<sup>202</sup> The punishment this time was more severe: the bond of caution signed at Peebles was deemed forfeit and the earl was forced to finance the actions which he had failed to carry out personally. The dean of Dunkeld - one of the three Hepburn representatives at council - reasonably pointed out that if earl Bothwell was in ward in Edinburgh Castle, then he could not be expected to administer justice for Liddesdale. James agreed and the council deliberated as to who Bothwell could be replaced by - not the solution Dunkeld had anticipated!<sup>203</sup> The council came up with three suggestions - lord Fleming (who was then in dispute with lord Hay of Yester over the sheriffship of Peebles), lord Somerville or the master of Glencairn. None was deemed suitable (or was willing to take office) so, on 22 August 1532, the dean of Dunkeld was charged to convey Hermitage Castle to Sandilands of Calder.<sup>204</sup> This was a significant change in border policy: Liddesdale was to be administered by a 'keeper' - a royal nominee - with the authority of the earls Bothwell (who had effectively

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<sup>200</sup> *CLP(F&D)HVIII*, v, no 595; Chalmers, *Caledonia*, iii, 448; *Scots Peerage*, ii, 158; Cokayne, *et al* (edd.), *Complete Peerage*, ii, 238; Elliot, *Border Elliots*, 40. Henry VIII, on hearing the earl's proposals, endorsed further communication, *CLP(F&D)HVIII*, v, no 609.

<sup>201</sup> *ADCP*, 360.

<sup>202</sup> *CLP(F&D)HVIII*, vi, no 895; Calderwood, i, 102. Also imprisoned was Patrick Hepburn (d.1573), the new prior of St Andrews (later bishop of Moray).

<sup>203</sup> *ADCP*, 379, 380.

<sup>204</sup> *ibid.*, 380, 382. Dunkeld requested that such actions should not prejudice the earl's heritage. Sandilands of Calder, although judged successful in his rule, was replaced by Robert, lord Maxwell in 1533, see *Appendix 7*. Hermitage Castle was then under the custodianship of Robert Elliot of Redheugh, Elliot, *Border Elliots*, 40.



carried out such a rôle since 1491 without official title) severely curtailed.<sup>205</sup> Some members of the central government, however, were not certain if any substitute could actively challenge Bothwell's rule in the area. Petitions had been placed before James V for the earl to be reinstalled as keeper of Liddesdale, with an extensive list of his kindred acting as cautioners (which, of course, was to follow upon an immediate release of the earl from Edinburgh Castle).<sup>206</sup> James V was not impressed. Bothwell's ward was maintained and, within a year, changed from Edinburgh to Inverness Castle where, if he failed to adhere to the terms of his warding, he would be charged with *lèse majesté*.<sup>207</sup>

While James, on one hand, was pursuing an extremely strict policy as regards the behaviour of Patrick Hepburn, on the other hand he recognised that a longer time-frame was involved. Aware that others were encroaching on the earl's rights, in November 1535, the lords of council issued an instrument which stated that matters relating to the earl's heritage could not be settled while he was in ward.<sup>208</sup> The legal situation did not prevent those thinking of encroaching on Hepburn lands from illegal action, but it did permit the earl, should he recover favour, to legally challenge any position as it then pertained.<sup>209</sup>

The earl's return to favour did not occur while James V was alive and in 1537 he was banished from Scotland and went into exile.<sup>210</sup> After visiting Denmark and the Low Countries,

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<sup>205</sup> ADCP, 426, 301; Rae, *Administration of the Frontier*, 36. Despite the king's plans, Patrick Whitelaw and two Hepburns travelled to Hermitage to secure it for the earl, *CLP(F&D)HVIII*, v, no 1101.

<sup>206</sup> ADCP, 425.

<sup>207</sup> *ibid.*, 438, 439; TA, vii, 160; *Diurnal*, 15.

<sup>208</sup> SRO, GD150/1404, GD150/1405. It took a further five years for James V to move against the earl's holdings - in the December 1540 parliament, James V ordered the annexation of lordship of Liddesdale to the crown (although it had, technically, been resigned by the earl in 1538), *APS*, ii, 361; Kelley, *The Douglas Earls of Angus*, 450.

<sup>209</sup> ADCP, 445. During the period of governorship following James V's death, the council was not always as forgiving to the earl as the king had been in 1535. On one occasion, while granting the earl extra time to attend a legal hearing from abroad, they still maintained he must attend. They knew that if he did so, he would break his exile, allowing them to imprison him and, conceivably, petition for his execution, ADCP, 610, 629.

<sup>210</sup> *CLP(F&D)HVIII*, xiv (ii), no 131; Calderwood, i, 112.

Patrick Hepburn settled in France.<sup>211</sup> After the outbreak of French hostilities regarding Venice, Bothwell moved to Turin and offered his services to Claud Annebault, the marshal of France and commander of forces in Piedmont.<sup>212</sup> Throughout his exile, Bothwell carefully continued communications with the English and, eventually received the offer of a pension and a return to favour.<sup>213</sup>

The death of James V in December 1542 saw another change of favour for the earl who returned to Scotland from the continent *via* the English court.<sup>214</sup> In January 1543, Bothwell accompanied a group of pro-English pensioners to Edinburgh and, following the resignation of lord Maxwell, he returned to his responsibilities on the border and as admiral.<sup>215</sup> While Bothwell was in favour (1543-4, 1545-6), he was again politically prominent: he served on the council and was present in court and parliament,<sup>216</sup> he received regular correspondence from

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<sup>211</sup> Bothwell considered himself on good terms with the Danish monarch, Christian III, and assured Henry VIII of his amity, *CLP(F&D)HVIII*, xviii(i), no 145; xix(i), 213, 269.

<sup>212</sup> *CLP(F&D)HVIII*, xix(i), nos 152, 213, 269. Bothwell had previously refused a commission in the army of the emperor.

<sup>213</sup> *CLP(F&D)HVIII*, xvii, nos 272, 638, 840, 978; xviii(i), no 15; *TA*, ix, 296; Innes, C, Marwick, J D, Wood, M, Hannay, R K, & Armet, H (edd.), *Extracts from the Records of the Burgh of Edinburgh*, 13 vols (Scottish Burgh Records Society, 1869-1967), ii, 265; Thomson, T (ed.), *The History of Scotland, from the Death of King James I, in the Year MCCCCXXVI, to the Year MDLXI. By John Lesley, Bishop of Ross* (Bannatyne Club, 1830), 142; Sanderson, *Cardinal of Scotland*, 62. For discussion of Scots in France during this period, see Bonner, E, 'Continuing the "Auld Alliance" in the sixteenth century: Scots in France and French in Scotland', *The Scottish Soldier Abroad, 1247-1967*, ed. G G Simpson (Edinburgh, 1992), 31-46.

<sup>214</sup> Bothwell had been courting the English since early 1542, *CLP(F&D)HVIII*, xvii, nos 272, 558, 978. For context of such negotiations, see Merriman, M, 'The assured Scots: Scottish collaborators with England during the Rough Wooing', *Scottish Historical Review*, xlvii (1968), 10-34; Kelley, *The Douglas Earls of Angus*, 532-622.

<sup>215</sup> *CLP(F&D)HVIII*, xviii(i), nos 15, 60; *Diurnal*, 26-7; *ADCP*, 523, 529; *RSS*, iii, no 231; *SRO*, GD150/1407; Cokayne, *et al* (edd.), *Complete Peerage*, ii, 238. Maxwell had been both admiral and keeper of Liddesdale. Bothwell was immediately instructed to keep good order and hold the requisite warden courts, *TA*, viii, 171, 193, and pay attention to the ever-present threat of piracy, *CLP(F&D)HVIII*, xviii(i), no 28. The earl of Angus was also restored in January 1543 and so Bothwell lost any tenuous entitlement to Tantallon and the other Douglas lands in Lothian which he had previously acquired. In 1540s, Bothwell claimed ignorance of the Scottish outlaws on the border, *Hamilton Papers*, i, no 519. Bothwell had promised the English that he could deliver the young queen to Hermitage, *CLP(F&D)HVIII*, xviii(i), no 180; *Hamilton Papers*, i, no 305.

<sup>216</sup> *Hamilton Papers*, ii, nos 45, 81, 92, 103, 111, 143, 186, 449, 552; *APS*, ii, 427, 443, 455, 594, 595, 596; Stevenson, J (ed.), *Selections from Unpublished Manuscripts in the College of Arms and the British Museum illustrating the Reign of Mary, Queen of Scotland, MDXLIII-MDLXVIII* (Maitland Club, 1837), 2; *RPC*, i, 2-21; *CLP(F&D)HVIII*, xix(i), no 692; xx(i), nos 913, 1027, 1039, 1049, 1054, 1059, 1063, 1075, 1274, 1364, 1369, 1404, 1456, 1467, 1486, 1502; xx(ii), no 500;

the governor or council;<sup>217</sup> was expected to perform his customary duties;<sup>218</sup> obtained the occasional royal gift;<sup>219</sup> and bonded with other members of the nobility for the security of the realm.<sup>220</sup> The earl's rehabilitation was so complete that, in September 1543 and June 1544, he was even talked of as a possible member of a regency of four in the name of the queen.<sup>221</sup> Bothwell's allegiances were to cardinal Beaton and Mary of Guise - the earl was strongly opposed to governor Arran.<sup>222</sup> Following the cardinal's capture at Haddington in 1543, Bothwell left the English party and engaged against his former colleagues.<sup>223</sup> During his short return to favour, Bothwell was also active in the siege of Glasgow Castle against the (pro-

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xxi(i), nos 88, 111, 167, 980, 1043, 1132; xxi(ii), nos 211, 575. In the remaining privy council sederunts, earl Bothwell was the highest attending earl in both 1545 (forty four per cent) and 1546 (fifty eight per cent). Only the earl of Arran (governor), cardinal Beaton (chancellor until his death), the abbot of Paisley (privy seal), James Fowlis (clerk register), the bishop of Galloway and lord Fleming attended more frequently.

<sup>217</sup> *TA*, v, 262, 263, 318, 319, 373, 385, 386, 447; vi, 56; viii, 171, 184, 189, 193, 257, 361, 362, 382, 396, 403; ix, 30, 40, 44; x, 226, 315.

<sup>218</sup> One of these duties was to administer his sheriffship in Berwickshire, *CLP(F&D)HVIII*, xx(ii), no 167. Another was the pursuit of maritime matters - in August 1545, governor Arran licensed Bothwell's ship '*The Mary*' and her four attendant barques to make war on all enemies except Flemings and Hollanders, *CLP(F&D)HVIII*, xx(i), no 1502. In September 1546, the license was renewed for Bothwell's ships '*The Mary*', '*Thomas of Dundee*', '*Kilgour*', '*John of Leith*' and '*John Davidson*' (the last four, presumably, being 'the four barques') with the additional exception of the 'Emperor's Low Countries adjacent to Flanders', *CLP(F&D)HVIII*, xxi(ii), no 94.

<sup>219</sup> *RSS*, iii, no 618.

<sup>220</sup> *HMC, Twelfth Report*, app. viii, 93; *SRO*, GD8/126; Maidment, J (ed.), 'Selections from the papers of the family of Boyd of Kilmarnock, MCCCCLXVIII-MDXC', *Abbotsford Miscellany*, i, 12; *CLP(F&D)HVIII*, xx(i), no 1502; Wormald, *Lords and Men*, 384, 404.

<sup>221</sup> *Hamilton Papers*, ii, nos 4, 410, 412. The regency was proposed with Angus, Huntly and Argyll - in other words, the senior earls. George Douglas suggested Lennox as an alternative to Bothwell on the council and Angus as an alternative to Bothwell as lieutenant of the border.

<sup>222</sup> *CLP(F&D)HVIII*, xviii(i), nos 105, 161, 286, 334, 374; *Hamilton Papers*, i, nos 403, 427, 485, 487, 536; ii, 45, 81, 92, 103, 111, 143, 186, 449, 552; *Diurnal*, 28; *HMC, Shrewsbury and Talbot Papers*, ii, 11; Dickinson, W C (ed.), *John Knox's History of the Reformation in Scotland*, 2 vols (London, 1949), i, 49; Sanderson, *Cardinal of Scotland*, 162. The reasons for the disaffection with Arran were likewise noted as being 'personal'.

<sup>223</sup> *Diurnal*, 30. He had previously offered Mary, queen of Scots, as a prize to Henry VIII, but now considered delivering the cardinal by force from his captivity, *Hamilton Papers*, i, nos 403, 432, 495; *Diurnal*, 28.



English) earl of Lennox,<sup>224</sup> and may have been employed to act as a government mediator in a dispute between lord Lovat and Clanranald.<sup>225</sup>

As sheriff of Edinburgh, Bothwell had also been called upon to assist the government in suppressing heresy. His principle charge had been to deliver George Wishart into the hands of the governor for trial and execution. Initially unwilling to fulfil his instruction, Bothwell made a series of incompatible promises (receiving the laird of Ormiston's bond of manrent in return for one of them) and even vacillated after taking the reformer part-way to Edinburgh. Ultimately it took a promise of return to closer favour from the queen and the promise of money from Beaton for the earl to deliver his charge.<sup>226</sup>

Ready funds were always welcome. Another major problem faced by the third earl Bothwell was finance. As early as 1533 he was failing to meet regular financial obligations and, by 1536, he was being sued for outstanding debts.<sup>227</sup> It was a problem which was to remain with him for the rest of his life, to the extent that he was unable to pay entry dues for the lordship

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<sup>224</sup> *Diurnal*, 31; Fraser (ed.), *Caerlaverock*, i, 192. See also SRO, PA7/1/13. Lennox was also a rival for the affections of the dowager, *CLP(F&D)HVIII*, xix(i), no 147.

<sup>225</sup> *Diurnal*, 34. The dispute ended following the 'Field of the Shirts' without any obvious Hepburn involvement, Dawson, J E A, 'The Origins of the "Road to the Isles": trade, communications and Campbell power in early modern Scotland', *People and Power in Scotland: Essays in Honour of T C Smout*, edd. R Mason and N MacDougall (Edinburgh, 1992). For an alternative interpretation, see Gregory, D, *History of the Western Highlands and Isles of Scotland from AD 1493 to AD 1625* (Edinburgh, 1975), 160-1.

<sup>226</sup> *CLP(F&D)HVIII*, xx(ii), no 88; Rogers, C (ed.), *Life of George Wishart, the Scottish Martyr, with his Translation of the Helvetian Confession, and a Genealogical History of the Family of Wishart* (Grampian Club, 1876), 34, 35, 37, 38; Rogers, C (ed.), *Monuments and Monumental Inscriptions in Scotland*, 2 vols (Grampian Club, 1871-2), i, 210; Calderwood, i, 195-7; Knox, *History*, i, 68. Knox called Bothwell 'for money, boutcher to the cardinall'. Later, during the earl's continental exile, he was rumoured to have Lutheran sympathies, *CLP(F&D)HVIII*, xviii(i), no 44, but, when back in Scotland, was a fervent catholic, *Hamilton Papers*, ii, no 38; Franklin, D B, *The Scottish Regency of the Earl of Arran: a Study in the Failure of Anglo-Scottish Relations* (unpublished Ph.D., Alabama, 1981), 41-2. Unlike the earl, John Hepburn, bishop of Brechin, had no time for Wishart and condemned him as a heretic, Chalmers, P, & Innes, C (edd.), *Registrum Episcopatus Brechinensis cui Accedunt Cartae Quamplurimae Originales*, 2 vols (Bannatyne Club, 1856), i, p. xii.

<sup>227</sup> Forbes, J H (ed.), *Liber Officialis Sancti Andree: Curie Metropolitane Sancti Andree in Scotia Sententiarum in Causis Consistorialibus que Extant* (Abbotsford Club, 1845), 130; Chalmers, *Caledonia*, iii, 449. In 1533, Bothwell was excommunicated for failure to intromit crops to the St Andrews diocese for the previous year.

of Bothwell.<sup>228</sup> He also was forced to mortgage various lands, most notably part of the lordship of Bothwell to James Hamilton of Finnart in 1539.<sup>229</sup> Bothwell was, to some extent, caught in the middle - money was hard to come by and others had failed to meet their obligations to the earl. Without political favour he could not secure regular income; without income, it was harder to satisfy the king's demands. In 1541, Patrick Hepburn instigated action against those who had been acting as his deputies (including his heir and other close family members). Bothwell stated that they, not he, had been responsible for the dues of the offices for the previous seven years. The implication was that he had never received money from the offices and, when pursued for the money, had presumed that his deputies had executed their offices to the full.<sup>230</sup> Bothwell noted that, since Flodden, he had been 'in continuale subjection, lik as he is presentlie in ward, swa that he nevir exercit the offices of schereffschip him self'.<sup>231</sup> The comptroller demanded castlewards for Haddingtonshire for the previous twenty-eight years (an obligation which the master of Hailes had previously undertaken to complete in 1532) and also unpaid casualties for the same area. The earl's financial dealings were greatly complicated by his warding and exile, however, when he permanently returned to Scotland, in 1554, he was again pursued for his outstanding obligations.<sup>232</sup>

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<sup>228</sup> In 1529, James Hamilton was granted the non-entries of the lordship of Bothwell since the decease of Patrick, first earl Bothwell, *RSS*, ii, no 174; Chalmers, *Caledonia*, iii, 449. In 1554, John Bellenden (later of Auchnoull) was granted the non-entries of the barony of Bothwell as pertained to the earl of Angus following the resignation of Patrick, first earl Bothwell, *RSS*, iv, no 2844.

<sup>229</sup> *RMS*, iii, no 2045; Beveridge, J (ed.), *Protocol Books of Dominus Thomas Johnsoun, 1528-1578* (SRS, 1920), 39-40; Kelley, *The Douglas Earls of Angus*, 450; SRO, PS1/52, f. 59v; GD1/200/1. Finnart gifted the mails of the lands to the earl of Arran, *RSS*, ii, no 3647; see also *Appendix 6*.

<sup>230</sup> *ADCP*, 502. It would seem Bothwell was giving an accurate impression of the situation in his Lothian lands. Although the earl was responsible for dealing with teinds, it was Patrick Hepburn of Bolton who, normally, undertook their collection, Hannay (ed.), *Rentale Sancti Andree*, 148, 150, 152, 187, 189.

<sup>231</sup> *ADCP*, 502. One of the deputies, William Cockburn of Chowslie, received letters of poinding and the other two deputies, the master of Hailes (from 1513) and Alexander Home, brother of Coldenknowis (from 1535) issued decreets against the debtors of the wards, *ibid.*, 503.

<sup>232</sup> *ibid.*, 381, 502. The castlewards for the period totalled over £670. On recovery of favour in 1554, he was again sued for his shreival obligations of £951 3s 6d, *RSS*, iv, no 2572. Also in 1554, John,

The changeable circumstances witnessed by the third earl, coupled with his ambiguous relationship with his Lothian possessions, ensured that links between the Hepburn earls and the town of Haddington were similarly reassessed during the 1540s. While the earl was still important enough to influence council decisions and receive burghal support in times of national crisis,<sup>233</sup> it was normal for other members of the Hepburn kindred to undertake traditional responsibilities within the town.<sup>234</sup> In September 1543, shortly before the annual election of the town bailies, the burgh council felt it 'expedient to chose a provost', instead of relying on the earl Bothwell for civic leadership.<sup>235</sup> While the decision made little practical difference to the earl, its symbolic nature emphasised the rift that had developed between the earl and his traditional hinterland.

Insufficient is known of the relationship between the earl and his deutes during the period of the earl's maturity. Like his predecessors, Patrick Hepburn, utilised close members of his family to exercise his authority in a significant number of offices, although this did not always permit good administration.<sup>236</sup> During the earl's disgrace and exile, new, non-Hepburn deutes exercised authority in Edinburghshire, Haddingtonshire and Berwickshire.<sup>237</sup> Unfortunately, a lack of adequate material evidence prevents further conclusions being drawn as to how significant was their presence. In other areas, earl Bothwell was not completely detached from his traditional rôle - in 1551, Walter Downie, the earl's servitor and factor, was still managing

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archbishop of St Andrews was granted letters to receive debts from earl Bothwell and his debtors - £2,200 in unlaws by Bothwell, Hepburn of Bolton or other sheriffs depute of Edinburgh; goods from James, fourth earl of Morton (due to his failure to pay Bothwell £42,000 in entry dues for the earldom); all goods pertaining to the earl through his office of admiral; and, finally, all his personal possessions for other (unspecified) debts, *RSS*, iv, nos 2582, 2596, 2604, 2651. This, however, did not settle matters - a year latter, the earl was noted as having been put to the horn, escheated and denounced rebel for non payment of shreival debts, *ibid.*, no 3117; *TA*, x, 292. This action cannot have been deemed too permanent as the escheat of goods was granted to Jean Hepburn, the earl's daughter.

<sup>233</sup> SRO, GD1/413/1/92, GD1/413/1/93, GD1/413/1/94, GD1/413/1/96.

<sup>234</sup> SRO, GD1/413/1/3, GD1/413/1/9, GD1/413/1/13.

<sup>235</sup> SRO, GD1/413/1/93. For further discussion, see below, pages 191-204.

<sup>236</sup> SRO, GD6/60; GD12/116; GD158/10; GD150/291. See also above, pages 70-1.

<sup>237</sup> SRO, GD6/66; GD12/125; GD157/278.



to extract admiralty dues from merchants<sup>238</sup> - however, other nobles, such as lords Seton and Borthwick in Lothian, lord Home in Berwickshire and governor Arran in Lanarkshire saw the disgrace of the third earl as an opportunity to extend their influence at Hepburn expense.<sup>239</sup>

When in favour, Bothwell, like his father, attempted to add lands to his existing possessions.<sup>240</sup> However, because of his frequent disgrace and financial difficulties (and despite a considerable pension from Henry VIII and Edward VI), often the only option available for the earl, in his attempts to satisfy his creditors, was to disperse some of the earldom's lands, with the result that they were significantly depleted by the time of his death.<sup>241</sup> With regard to the more outlying of the Bothwell lands, records are slight. Patrick Hepburn, vicar of Dalry, continued to represent, nominally at least, the Hepburn kindred in Galloway, and leases of land were granted to him, and his successor, Alexander Hepburn of Riccartoun.<sup>242</sup> As far as can be ascertained, the earl maintained the traditional Bothwell tenants and, in some cases, granted them tenure blench ferm.<sup>243</sup>

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<sup>238</sup> Angus, W (ed.), *Protocol Book of Sir Robert Rollock, 1534-1552* (SRS, 1931), no 98.

<sup>239</sup> *CLP(F&D)HVIII*, xvii, no 638; *RSS*, ii, no 3647; iv, no 414; *Scots Peerage*, ii, 158-9. Arran was not only able to acquire personal possession of Hepburn lands and duties but also, as governor, to present nominees to vacant Bothwell possessions and patronages. See also below, pages 329-33.

<sup>240</sup> Douglas, *Peerage*, 85; Chalmers, *Caledonia*, iii, 449.

<sup>241</sup> SRO, PS1/53, f. 99r; *RSS*, iv, no 193; *Scots Peerage*, ii, 159; *CSP Scot*, i, no 217; see also *Appendix 4*. Other properties and possessions were removed from him, *RSS*, ii, nos 1696, 1707, 3647; iii, no 2605; *APS*, ii, 361, 424\*; *Scots Peerage*, ii, 158, and, in October 1543, he was forced to alienate the barony of Morham, the lands of Northrig and ten husbandlands east of Markle when he divorced his wife, Agnes Sinclair. The alienation was short term as he received rights to the lands back a month later in return for £2,000. Thereafter, the lands were granted to Jean, the earl's only daughter, with Agnes Sinclair as life-rentrix, 'Letters of Patrick, earl of Bothwell', *Bannatyne Miscellany*, iii, 405; *RSS*, iv, no 2560. The divorce was probably obtained on grounds of consanguinity and was part of a plan to marry Mary of Guise, the queen dowager, with whom Bothwell was always closely allied. Mary promised to marry the earl on two separate occasions and promised him the earldoms of Orkney and Fife, the lordship of Galloway and repayment of various debts, 'Letters of Agnes, countess of Bothwell', *Bannatyne Miscellany*, iii, 284-6; Clifford, A (ed.), *The State Papers and Letters of Sir Ralph Sadler*, 3 vols (Edinburgh, 1809), i, 265-95. 'Letters of Patrick, earl of Bothwell', *Bannatyne Miscellany*, iii, 414-15; *Hamilton Papers*, ii, no 110.

<sup>242</sup> *ER*, xiv, 484, 506, 507, 510. Alexander Hepburn of Riccartoun was also bailie of the bishopric of Moray, *ER*, xiv, 619. The dowager countess of Bothwell also received short-term leases of lands in Galloway.

<sup>243</sup> SRO, AC1, f. 4r; GD45/28/56; GD78/7, GD78/9.

In contrast to his actions within Edinburgh, Bothwell was frequently active as admiral, although not always legally.<sup>244</sup> In 1544, Bothwell and his associates engaged in piracy in the Forth - taking or requisitioning a Scots war ship and a Dutch merchant ship which were both moored in Aberlady (the port of Haddington).<sup>245</sup> Such action was entirely consistent with the earl's character - Patrick Hepburn was a man of action and bureaucracy and administration were not always his strong points.<sup>246</sup>

The period of the 'Rough Wooing' was not easy for any landholder in southern Scotland. The political situation was volatile and allegiances equally so. Bothwell's character did not make the situation any easier. Chalmers suggested he was 'a person unprincipaled and unsteady' for whom 'it was not easy to trace...motives'.<sup>247</sup> Henry VIII, on a number of occasions warned governor Arran that the earl was a duplicitous traitor and suggested he be put to the horn.<sup>248</sup> Others shared Henry's opinion: Bothwell's contemporary, sir Ralph Sadler, was more direct when he considered Patrick Hepburn as 'the most vain and insolent man in the world, full of pride and folly, and here nothing esteemed at all'.<sup>249</sup>

During the English invasions of Scotland, it was not immediately apparent that Bothwell was a traitor. In May 1544, Bothwell, with the lords Home and Seton, raised 8,000 men to try to stop Hertford's English army at Pease Dean.<sup>250</sup> Unsuccessful, and in retreat, Bothwell and

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<sup>244</sup> *ADCP*, 594, 610. In 1546, the estates of Zeeland were instigating armed proceedings against him and those pirates under his protection, *CLP(F&D)IVIII*, xxi(i), nos 93, 94.

<sup>245</sup> *Diurnal*, 33-4. The Scottish ship was burnt during English raids into the Forth later in the year.

<sup>246</sup> Bothwell was removed from council in October 1544 for granting an inaccurate decret to a group of merchants. However, he was back on the council by the start of the next year, *Hamilton Papers*, i, nos 492, 581. Bothwell recognised his own weakness and, on occasion, asked more experienced judges to assist him in executing his office, but without prejudice to his rights, *ADCP*, 550, 562, 566. In the admiralty court, Alexander Hepburn of Whitsome acted as vice-admiral, Wade (ed.), *Acta Curiae Admirallatus*, 26.

<sup>247</sup> Chalmers, *Caledonia*, iii, 448-9.

<sup>248</sup> *Hamilton Papers*, i, no 410; ii, no 7. Henry, although paying Bothwell a pension, recognised that he was untrustworthy and of doubtful character. As a result Bothwell was not always aware of the English king's plans, *ibid.*, i, no 438.

<sup>249</sup> 'Letters of Patrick, earl of Bothwell', *Bannatyne Miscellany*, iii, 406; *Hamilton Papers*, i, 533; Clifford (ed.), *State Papers of Sir Ralph Sadler*, i, 184, 195.

<sup>250</sup> *Hamilton Papers*, ii, no 379.

Home, rode through Edinburgh with several hundred troops without stopping to defend it.<sup>251</sup> For the duration of the campaign, Bothwell had been installed as lieutenant of the border but, following the retreat, this office was transferred to Angus.<sup>252</sup> When Bute pursuivant tried to broadcast the news of this change, at Edinburgh market cross, he was warded by the earl for eleven days.<sup>253</sup> Effectively outside the law for attacking a royal officer, Bothwell decided to switch sides and aid Hertford during the invasion. Discharged from his Scottish offices and summoned for treason, he fled to the English court but found that he had been equally deserted and betrayed by his English patron, Henry VIII. The English king instructed Patrick Hepburn to return to Scotland and make his peace as best he could.<sup>254</sup>

The tense political situation in Scotland, and renewed English threats, meant that all enemies of England, no matter how untrustworthy, were useful. Rehabilitated, earl Bothwell signed a bond in support of Mary of Guise in June 1544, was pardoned by parliament, fought in the rear-guard of Scottish army in November 1544 and, in December, was granted remission for his crimes.<sup>255</sup> In August of the following year, utilising the military skills he had gained on the continent, Bothwell again fought in the Scottish army and, a month later, the earl (with lord Home and the abbots of Dryburgh and Jedburgh) invaded England at the head of several thousand men.<sup>256</sup>

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<sup>251</sup> *CLP(F&D)HVIII*, xix(i), no 533. Hume Brown, dismissing Bothwell as one of the principal intriguers with the English, considers such action unlikely, although on what evidence is uncertain, Hume Brown, P, 'Edinburgh in 1544 and Hertford's invasion', *SHR*, viii (1911).

<sup>252</sup> The relationship between Bothwell and Angus is as complex as that between Bothwell and the king. In 1543, both earls had been ordered by Henry VIII to settle their feud as they were both his servants, *Hamilton Papers*, i, nos 363, 365; *TA*, viii, 305; see also Wormald, *Lords and Men*, 154-8.

<sup>253</sup> *TA*, viii, 305.

<sup>254</sup> *ibid.*, viii, 315, 326; *Diurnal*, 35; *Hamilton Papers*, ii, nos 466, 469. The earl's deputies were also discharged, *TA*, viii, 321.

<sup>255</sup> *CLP(F&D)HVIII*, xix(i), no 664; *Diurnal*, 36; *TA*, viii, 361, 362; Sanderson, *Cardinal of Scotland*, 187.

<sup>256</sup> *CLP(F&D)HVIII*, xix(i), nos 1240, 1279; *TA*, viii, 393, 401, 473; *Diurnal*, 40; Fraser (ed.), *Caerlaverock*, i, 215. The size of the army was reported as between 1,500 and 3,000 but it fled in the wake of a small number of English troops gathered from the castle garrisons of the area. Bothwell and Home had previously signed a bond of mutual support and maintenance, HMC, *Twelfth Report*, app. viii, 93.



Political circumstances in both Scotland and England changed quickly in the 1540s and, following the death of Henry VIII in January 1547, Patrick Hepburn, again, entered into open defiance of the Scottish council.<sup>257</sup> The government was anxious concerning the earl's possible movements and, during the early summer, he was taken prisoner by the authorities to ensure he did not assist the English in any cross-border raids.<sup>258</sup> He was still in Edinburgh Castle when the Scots were defeated at Pinkie on 10 September 1547, but was released the day after.<sup>259</sup> Governor Arran acted as if the earl was already forfeit and assumed the patronages exercised by Bothwell to the crown. The lands and castle of Hailes were granted to a loyal Lothian lord with considerable interest in Bothwell lands - John, lord Borthwick.<sup>260</sup> The earl tried for a reconciliation with the governor but, when this failed, asked for permission to return to England. Although the permission was not forthcoming, the earl went anyway.<sup>261</sup> Again, Bothwell was equally unwelcome at the English court (despite offering up control of Hermitage Castle) and, again, he was sent back north.<sup>262</sup> The earl, who had endeavoured to play 'double parts'<sup>263</sup> ended 1547 as *persona non grata* in both realms. His duplicity had had

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<sup>257</sup> Elliot, *Border Elliots*, 64. Bothwell had sent a personal secretary to Henry VIII as late as December 1546 to discuss pertinent matters, *CLP(F&D)HVIII*, xxi(ii), no 520.

<sup>258</sup> Cameron, A I (ed.), *The Scottish Correspondence of Mary of Lorraine, including some Three Hundred Letters from 20th February 1542/3 to 15th May 1560* (SHS, 1927), 315.

<sup>259</sup> Chalmers, *Caledonia*, iii, 451.

<sup>260</sup> *Scots Peerage*, ii, 158-9. Despite the fact that Bothwell was exiled and summoned to stand trial for treason, his kin network was still important to the crown - especially in order to control his traditional areas of influence. Although the earl was out of favour and in exile, the dean of Dunkeld was ordered to hold Hermitage Castle for the crown, *TA*, ix, 331. The dean of Dunkeld (and other members of the Scottish nobility) continued to communicate with the earl during his exile, *CSP Scot*, i, no 336; Stevenson (ed.), *Selections from Unpublished Manuscripts*, 57-9.

<sup>261</sup> *CSP Scot*, i, nos 49, 57, 63, 69, 94, 104, 109. Bothwell, apparently, went to London against his will. He had previously granted Arran a bond promising service in the usual form for the duration of the queen's minority, HMC, *Eleventh Report*, app. vi, 37; Wormald, *Lords and Men*, 309.

<sup>262</sup> *CSP Scot*, i, nos 33, 49, 311. In August 1547, Bothwell offered Hermitage Castle to the English in return for a marriage into the royal house. He named Frances, Duchess of Suffolk (third in line to the throne) as his preferred bride. However, Bothwell also implied that he would not be averse to marriage to either of the royal princesses - Elizabeth or Mary (the first and second in line to the throne). The earl of Warwick informed governor Somerset of the earl's demands, but suggested that Bothwell might be more content with money, men and the promise of future patronage. Somerset, less than willingly, consented to the latter terms but indicated that he would prefer to receive Hermitage from Bothwell, without condition, as a gesture of the earl's loyalty.

<sup>263</sup> *ibid.*, i, no 119.

its short term benefits in that the English in southern Scotland had not interfered with his lands but, by February 1548, however, this situation too had changed: the English commander, Grey of Wilton, moved to take Bothwell's Haddingtonshire lands to strengthen his position around the town which he considered to be 'the winning of Scotland'.<sup>264</sup>

Faced with an impossible situation, on 3 September 1549, Bothwell secretly renounced his allegiance to Mary, queen of Scots, and swore fealty to Edward VI, as 'the superior and naturall lord of Scotland', in return for an annual pension of 3,000 crowns, a fresh indemnity for his estates and the wages for 100 horse.<sup>265</sup> Within a matter of weeks the earl's secret was exposed and treason proceedings were begun against him. Having reached, perhaps, the lowest point during a career of low points, Bothwell, again, fled into England and exile.<sup>266</sup>

Traditionally, it was stated that he never returned from this final exile but, there proved to be one last twist of fate - on 12 April 1554, Mary of Guise assumed the regency of Scotland following the resignation of the duc de Châtelherault.<sup>267</sup> Bothwell had never had any regard for the capabilities of the Hamilton governor, but had always had a very close relationship with the queen.<sup>268</sup> There seems little doubt that the change of governorship precipitated a change of fortunes for Patrick Hepburn. He had already been granted remission for his dealings with

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<sup>264</sup> *CSP Scot*, i, nos 91, 168, 265, 329. Wilton did not appreciate his task nor Somerset's treatment of the earl, *ibid.*, i, no 306. Bothwell's goods were escheated to the dowager, *RSS*, iii, no 2605.

<sup>265</sup> 'Letters of Patrick, earl of Bothwell', *Bannatyne Miscellany*, iii, 405, 410, 412-4; Stevenson (ed.), *Selections from Unpublished Manuscripts*, 36-9; *CSP Scot*, i, nos 353, 354. He had left Scotland in late July, HMC, *Twelfth Report*, app. iv, 41. Merriman considers Bothwell one of 'a few malcontents' who considered political union a possibility during the 1540s, Merriman, M, 'The high road from Scotland: Stewarts and Tudors in the mid-sixteenth century', *Uniting the Kingdom? The Making of British History*, edd. A Grant & K Stringer (London, 1995), 117.

<sup>266</sup> *ibid.*, iii, 406; *TA*, ix, 296. Although, after that, an English pensioner, Bothwell was still willing to consider alliance with the queen dowager, but not necessarily with the Scottish government, 'Letters of Patrick, earl of Bothwell', *Bannatyne Miscellany*, iii, 406. By 1552, the earl's pension had not been paid for eighteen months, Stevenson (ed.), *Selections from Unpublished Manuscripts*, 55-6.

<sup>267</sup> The earl of Arran had been rewarded with a French dukedom in February 1549, Donaldson, G, *Scotland: James V to James VII* (Edinburgh, 1987), 78-80. For further details on Arran's regency, see Franklin, D B, *The Scottish Regency of the Earl of Arran: a Study in the Failure of Anglo-Scottish Relations* (unpublished Ph.D., Alabama, 1981).

<sup>268</sup> *CLP(F&D)HVIII*, xix(i), nos 705, 709; *CSP Scot*, i, nos 88, 91; *TA*, ix, 80; Stevenson (ed.), *Selections from Unpublished Manuscripts*, 13-14. In the mid 1540s, Bothwell was noted as a rival of Lennox for the affections of Mary of Guise, Calderwood, i, 166.

England on 26 March 1554 and, by the summer, again was receiving correspondence and grants of patronage from the regent.<sup>269</sup> Despite receiving a commission of wardenry for the west march, the rehabilitation of the earl may not have been total and his movements may have been restricted to the borders.<sup>270</sup> However, when Patrick, third earl Bothwell, died following a border confrontation in September 1556, he was considered, at least by one near contemporary as a 'lieutenant in the honourable service of the realm'.<sup>271</sup>

The problems of the third earl were largely in response to the desire of James V and his government to ensure their influence was felt in the furthest bounds of the realm. The renewed vigour demonstrated by the central administration during the 1530s and 1540s was detrimental to any lord who held a traditional position of authority on the periphery of the realm and James V's early actions in Liddesdale anticipate his later actions against, and expedition to, the west highlands. Liddesdale was to be brought within the orbit of central government, and the keeper of the area had to be responsible for justice. The third earl Bothwell swung from high favour at court to utter rejection yet constantly attempted to tread a difficult line through dangerous times. Several factors did not help his cause - his youth on acquiring the earldom; his relatively long minority; the deaths of many of the older members of the Hepburn kindred who had assisted the first two earls; his lack of finance; his lack of administrative acumen; his very nature; and the strength, cunning and greed of others around him. Patrick Hepburn's final rehabilitation was not enough to make up for nearly two decades of disfavour and the result was that, in 1556, the earldom of Bothwell was only a shadow of the substantial heritage the earl had inherited in 1513.

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<sup>269</sup> RSS, iv, nos 2604, 2792, 2806, 3165; TA, x, 226, 259; HMC, *Shrewsbury and Talbot Papers*, ii, 42.

<sup>270</sup> TA, x, 315, 319. In 1555, his jurisdiction as admiral was under legal threat, Wade (ed.), *Acta Curiae Admirallatus*, p. xvii.

<sup>271</sup> *Diurnal*, 267. His actions against rebels on the west march had been unsuccessful. He had been captured in an ambush by rebel cattle thieves near Annan in July 1556. His resulting treatment may have been the ultimate cause of death, HMC, *Shrewsbury and Talbot Papers*, ii, 46; Stevenson (ed.), *Selections from Unpublished Manuscripts*, 66-7.



### James, duke of Orkney, fourth earl Bothwell, fifth lord Hailes (c1535-1578)

A considerable number of pages have been written concerning the fourth earl Bothwell, and, in many ways, they conform to Wormald's interpretation of the historiography of his second wife, Mary, queen of Scots - 'a lack of interest in the "normal" years up to 1565, and too much intrusion of personal interest thereafter'.<sup>272</sup> The earl's rôle in local governance and his administration of the Bothwell earldom have been largely neglected with the result that James Hepburn remains a figure disguised by open prejudice: at best he is 'an unscrupulous thug',<sup>273</sup> at worst, 'a bag of vice and sink of all horrible sins'.<sup>274</sup> When James Hepburn inherited the earldom, in 1556, he had many of the assets and faced many of the problems which would confront his nephew a generation later: he was young, well educated and continentally influenced; he was also head-strong, prone to acts of violence and the heir to an earldom, the prestige and holdings of which had suffered greatly under the tenure of the previous earl.

James Hepburn was born around 1535 and was raised at Spynie Palace by the bishop of Moray, Patrick Hepburn (d. 1573).<sup>275</sup> In the early 1550s, he completed his education in Paris

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<sup>272</sup> Wormald, *Mary Queen of Scots*, 117. For further details of James Hepburn, see Gore-Brown, R, *Lord Bothwell* (London, 1937); Schiørn, F, *Life of James Hepburn, Earl of Bothwell*, trans. D Berry (Edinburgh, 1880); Drummond, H, *The Queen's Man* (London, 1975). The fourth earl even merits an entry in a dictionary of world history, Lenman, B (ed.), *Chambers Dictionary of World History*, (Edinburgh, 1993), 124.

<sup>273</sup> Mason, R A, 'George Buchanan, James VI and the presbyterians', *Scots and Britons: Scottish Political Thought and the Union of 1603*, ed. R Mason (Cambridge, 1994), 119.

<sup>274</sup> Lang, A (ed.), 'The apology for William Maitland of Lethington, 1610', *Miscellany of the Scottish History Society*, 12 vols (SHS, 1893-1994), iv, 214.

<sup>275</sup> *Scots Peerage*, ii, 161-2; *DNB*, xxvi, 146. It has been argued that a more likely date for the earl's birth is 1537-8, based on the designation of Patrick Hepburn of Bolton as 'master of Hailes', HMC, *Twelfth Report*, app. viii, 85. While this is plausible, in the sasine of earldom on 9 November 1556, no mention is made of the earl not being of age, *ER*, xviii, 609; SRO, RD1/2, 420. Patrick Hepburn, bishop of Moray, had succeeded John Hepburn as prior of St Andrews in 1522 and was promoted to the bishopric of Moray in 1538, Dowden, *Bishops of Scotland*, 171-2; *Scots Peerage*, ii, 142. See also HMC, *Ninth Report*, ii, 191.

and was one of only six Scottish noblemen of the period who wrote in fluent italic hand.<sup>276</sup> The link between the earl and the bishop of Moray remained strong throughout the younger man's life: not only did Bothwell occasionally rely on the bishop's guidance but, when he was 'under a cloud' in the south, he also gratefully accepted his elder kinsman's financial and military support.<sup>277</sup> The link between the earl Bothwell and bishop of Moray was one of the few close family relationships that the earl had. Unlike the first two Hepburn earls, occasion for James Hepburn to associate with close family members was limited not through the lack of opportunity but, instead, through the lack of family members themselves. Adam, second earl Bothwell, had been succeeded by his only child, Patrick, third earl Bothwell, and he, in turn, had also managed to produce only one legitimate son, James.<sup>278</sup> As a result, the kindred members which the fourth earl Bothwell relied upon were often second or third cousins whereas the first two earls had been able to rely on brothers, uncles or first cousins.

Following the death of his father, James Hepburn accepted the responsibilities of the earldom immediately.<sup>279</sup> Through his bailies and local representatives, he checked charters and sasines for outlying properties alienated by his father<sup>280</sup> and, in November 1556, he took oaths for the traditional Bothwell shrieval offices.<sup>281</sup> Whenever possible, Bothwell still relied on kindred and

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<sup>276</sup> Gore-Brown, *Lord Bothwell*, 43-5; Simpson, G G, *Scottish Handwriting, 1150-1650* (Aberdeen, 1986), 24.

<sup>277</sup> Mackay, W (ed.), 'Polichronicon seu policratica temporum', *Chronicles of the Frasers, 916-1674*, (SHS, 1905), 149; HMC, *Sixth Report*, 640, 671; Stevenson (ed.), *Selections from Unpublished Manuscripts*, 214-8; Cramond, W (ed.), *The Records of Elgin, 1234-1800*, 2 vols (New Spalding Club, 1903-8), i, 215; Gore-Brown, *Lord Bothwell*, 160; Cowan, I B, 'The Marian civil war, 1567-1573', *Scotland and War, AD 79-1918*, ed. N MacDougall (Edinburgh, 1991), 97, 100. In return for the support, Bothwell rewarded illegitimate members of the bishop's family, *RMS*, iv, no 2789.

<sup>278</sup> See *Appendix 2*. Patrick, third earl Bothwell, also had one legitimate daughter, Jean and one illegitimate daughter, Margaret, who married James Durham of Duntarvy, argentar to the queen (see chapter 2).

<sup>279</sup> SRO, GD150/1411. In March 1557, James Hepburn received escheat of the goods of his paternal grandmother, Agnes Stewart, who had died unlegitimated, *RSS*, v, no 85.

<sup>280</sup> SRO, AC1, f. 4r.

<sup>281</sup> SRO, CS6/29, 32; *Scots Peerage*, ii, 162. Probably because of the disgrace of the third earl, there remained some dispute over the legitimate deputies in Edinburgh, with David MacGill and Alexander Mauchane being addressed as 'pretended sheriffs' until 1557, SRO, GD6/84, GD6/86.

trusted associates to act as his deputies, such as Patrick Hepburn of Whitsome and David Kintore in Edinburgh and the Cockburns of Langton in Berwickshire.<sup>282</sup> In Haddingtonshire, those who had maintained links with the burgh administration of Haddington during the tenure of the third earl appear to have done the same under the fourth.<sup>283</sup> As well as taking care of his local responsibilities, Bothwell quickly adapted to his position as admiral and, on occasion, attended to some maritime matters himself.<sup>284</sup>

The period of the wars of the congregation in Scotland was a period of opportunity. Although James Hepburn conformed to protestantism at an early stage, he was constantly loyal to the catholic queen dowager, Mary of Guise, and did not ignore chances to maximise his personal wealth and position at the expense of protestant, pro-English lords.<sup>285</sup> In October 1559, Elizabeth of England sent 6,000 crowns north for distribution among her Scottish noble supporters. James, earl Bothwell (who it was intended should receive some of the money), waited until the convoy was close to Hailes Castle and then attacked John Cockburn of Ormiston, the principal courier. Bothwell escaped with the money to Crichton Castle but was thereafter besieged by the earl of Arran and James Stewart (the queen's half-brother and later earl of Moray), with the result that 'his whole living [was] destroyed'.<sup>286</sup> By November 1559

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<sup>282</sup> SRO, GD86/186; Angus, W (ed.), *Protocol Book of Mr Gilbert Grote, 1552-1573* (SRS, 1914), no 78. On succeeding to the earldom, Bothwell faced a disputes in Berwickshire with Snowdoun herald (and others) concerning the rights to Longnewton and Fermington, SRO, GD150/1412.

<sup>283</sup> SRO, GD1/413/2/11.

<sup>284</sup> SRO, AC1 ff. 37v, 46v, 123r. In March 1557, Bothwell constituted Alexander Skene, Richard Strang and Thomas Waddell as his special procurators in the admiralty court, Wade (ed.), *Acta Curiae Admirallatus*, 49; he also granted letters of marque, Wade (ed.) *Acta Curiae Admirallatus*, 186; possessed (or had access to) a number of ships, *Diurnal*, 119; Mowat, *The Port of Leith*, 131; Stevenson (ed.), *Selections from Unpublished Manuscripts*, 255; RSS, vi, no 12; and protected pirates, Calderwood, ii, 324.

<sup>285</sup> Labanoff, A (ed.), *Lettres, Instructions et Mémoires de Marie Stuart, Reine D'Écosse*, 7 vols (London, 1844), ii, 34; DNB, xxvi, 146; Lee, *Great Britain's Solomon*, 6. In 1559, Bothwell commanded 800 French auxiliary troops of the queen's army, Stevenson (ed.), *Selections from Unpublished Manuscripts*, 75-7; Clifford (ed.), *State Papers of Sir Ralph Sadler*, i, 667.

<sup>286</sup> Stephenson, J, Crosby, A J, Butler, A J, Lomas, S C, Hinds, A B, & Wernham, R B (edd.), *Calendar of State Papers, Foreign Series, of the Reign of Elizabeth, preserved in the State Papers Department of Her Majesty's Public Record Office*, 23 vols (London, 1863-1950), ii, no 183; *Diurnal*, 54; Stevenson (ed.), *Selections from Unpublished Manuscripts*, 75-7; Laing, D (ed.), *The Works of John Knox*, 6 vols (Bannatyne Club, 1846-64), i, 454-9; Knox, *History*, i, 258-9; Teulet



only Bothwell and the lords Borthwick and Seton were considered of the dowager's party<sup>287</sup> and, of them, it was Bothwell who was commanded to undertake an embassy to France in the summer of 1560. Following Mary of Guise's death in June 1560, and the subsequent triumph of the pro-English party, the earl took a longer route to the continent *via* Denmark, Jutland, Holstein and the Netherlands.<sup>288</sup> When in France, Bothwell met with Mary, queen of Scots; was created a gentleman of the chamber by François II; and, following the king's death, returned to Scotland in February 1561 as the queen's commissioner for holding the estates of Scotland.<sup>289</sup>

Bothwell was high in favour following the queen's return to Scotland in August 1561: he was appointed to her first privy council<sup>290</sup> and, throughout the subsequent twelve months, attempts were made to settle long-running feuds between him and other prominent lords at court, such as lord James Stewart, the earl of Arran, lord Seton, and Ker of Cesford.<sup>291</sup> The feud with Arran and the Hamilton family was more serious than some of the others and despite a brief reconciliation in spring 1562, Bothwell accused the earl of Arran of treason for

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(ed.), *Relations Politiques*, i, 380; Calderwood, i, 548-9; Donaldson, *James V to James VII*, 97; Gore-Brown, *Lord Bothwell*, 81.

<sup>287</sup> Donaldson, *All the Queens Men*, 43, 50; Thomson (ed.), *The History of Scotland by John Lesley*, 288; *DNB*, xxvi, 146.

<sup>288</sup> *CSP For*, iii, 293; *Scots Peerage*, ii, 163; *DNB*, xxvi, 147.

<sup>289</sup> *Scots Peerage*, ii, 163; *DNB*, xxvi, 146.

<sup>290</sup> *RPC*, i, 157. Bothwell was a regular attendee at council thereafter, *RPC*, i, 165, 187, 379-80, 383-4, 390, 419-20, 422, 424-5, 433, 439, 442, 445, 447, 455-6, 477, 485, 490-1, 499, 501, 504, 510-1; Donaldson, *All the Queens Men*, 77.

<sup>291</sup> *RPC*, i, 183, 203, 206; *EBR*, iii, 132; Calderwood, ii, 174-5; Donaldson, *All the Queens Men*, 55. Bothwell and Arran resented the political influence of James Stewart and William Maitland of Lethington (the queen's secretary), but also the familiar position of each other, *Diurnal*, 71. In December 1561, the duc de Châtellherault (Arran's father) had threatened to kill Bothwell and, the earl had responded in kind with a challenge to combat by arms. The feud almost ended in a full scale riot on the streets of Edinburgh, *CSP Scot*, i, no 1056; Knox, *History*, ii, 33; Calderwood, ii, 162, 164-5; Adam, R (ed.), *Edinburgh Records: the Burgh Accounts*, 2 vols (SBRs, 1899), i, 156; Lawson, J P, & Lyon, C J (edd.), *History of the Affairs of the Church and State in Scotland, from the Beginning of the Reformation to the year 1568, by the Right Rev. Robert Keith, primus of the Scottish Episcopal Church*, 3 vols (Spottiswoode Society, 1844-50), ii, 129-30; iii, 48; Laing (ed.), *Works of John Knox*, ii, 315, 320-2; Lynch, *Edinburgh and the Reformation*, 99; Knox, *History*, ii, 39-42; Anderson, *Robert Stewart*, 42; Donaldson, *James V to James VII*, 109.

plotting against the queen.<sup>292</sup> Arran responded by informing the queen that Bothwell, himself, was involved in the plot with the result that both earls were imprisoned.<sup>293</sup> James Hepburn spent the summer in Edinburgh Castle but, in August, escaped and travelled to Hermitage Castle in Liddesdale (which he fortified).<sup>294</sup> It was a time of considerable tension within the Scottish realm - the queen spent most of the autumn pursuing the earl of Huntly in the north for rebellion.<sup>295</sup> Charged to re-enter ward, Bothwell, instead, protested his loyalty to the queen and fled into exile (whereupon he was denounced rebel).<sup>296</sup> In France he assumed the position of captain of the king's guard but was otherwise politically impotent.<sup>297</sup> In 1564, he returned to Scotland and Liddesdale and asked to stand trial for his crimes.<sup>298</sup> On 2 May 1564 Bothwell was summoned for *lèse majesté* and bonds of caution were requested to allow him to appear.<sup>299</sup> Unable to muster sufficient troops to awe the jury and combat the combined forces of the earls of Moray and Argyll, Bothwell entered exile for a second time.<sup>300</sup> It was a further year before the earl could return home - by which time the influence of Moray was considerably weakened and James Hepburn represented not only a challenge to that earl's authority but also a substitute for any political vacuum which followed his fall.<sup>301</sup>

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<sup>292</sup> Knox, *History*, i, 275.

<sup>293</sup> *Diurnal*, 71-2; Calderwood, ii, 174-9.

<sup>294</sup> CBP, i, no 5; Cockburn, H, & Maitland, T (edd.), *Les Affaires du Conte de Boduel. L'an MDLXVIII* (Bannatyne Club, 1829), 8. Bothwell possibly escaped through collusion with his guards.

<sup>295</sup> CSP For, v, no 641; Laing (ed.) *Works of John Knox*, ii, 347; Knox, *History*, ii, 54; *Diurnal*, 73; Calderwood, ii, 200; Gore-Brown, *Lord Bothwell*, 160; *Scots Peerage*, ii, 163. For the prevailing political situation, see Donaldson, *James V to James VII*, 107-31; Donaldson, *All the Queen's Men*, 48-69.

<sup>296</sup> HMC, *Twelfth Report*, app. iv, 83; Knox, *History*, ii, 64; Calderwood, ii, 203-4. Bothwell was driven by a storm to England before he reached the continent.

<sup>297</sup> Cockburn & Maitland (edd.), *Les Affaires du Conte de Boduel*, 10; HMC, *Twelfth Report*, app. iv, 86; HMC, *Pepys*, 13-14.

<sup>298</sup> CSP Scot, ii, nos 171, 174; Knox, *History*, ii, 139; *Scots Peerage*, ii, 163.

<sup>299</sup> TA, xi, 355, 356, 362.

<sup>300</sup> Knox, *History*, ii, 144.

<sup>301</sup> The personality of the earl assisted his rehabilitation - in 1564, sir Henry Percy considered him 'courteous and honourable' and noted that, in the past, he had 'kept his promises', CSP For, vii, no 259; Schiern, *Life of James Hepburn*, 53.

The years between 1565 and 1567 were dominated by the earl's acquisition of influence and power at court and his personal relationships when there. The earl emphasised his position by placing himself at the heart of court ceremonial: he took lodgings in Holyrood;<sup>302</sup> carried the sceptre in the 1566 parliament;<sup>303</sup> helped organise the baptism ceremony for prince Charles James;<sup>304</sup> and carried the sceptre and then the sword at the 1567 parliament.<sup>305</sup> Bothwell also engaged in the cultural life of the court - he had an extensive library,<sup>306</sup> and patronised the family of William Stewart, court poet to James V.<sup>307</sup> The earl's growth in influence at court was coupled with a return to political favour which severely restricted the influence of others counselling the queen.<sup>308</sup> With the earls of Moray and Arran out of sympathy, Bothwell was the strongest noble in southern Scotland and Knox considered 'of all men, [he had] greatest access and familiarity with the queen, so that nothing of any great importance was done without him'.<sup>309</sup>

The earl's initial reward for loyalty was a marriage to the sister of the strongest noble in northern Scotland, George Gordon, fifth earl of Huntly. In February 1566, Bothwell was

<sup>302</sup> Lawson & Lyon (edd.), *History of the Church and State in Scotland by Robert Keith*, ii, 332; Steuart, A F (ed.), *Memoirs of Sir James Melville of Halhill, 1535-1617* (London, 1929), 121.

<sup>303</sup> *Diurnal*, 89. Bothwell was also elected to the lords of the articles in the 1566 parliament. He had previously expressed discontent with earl of Erroll over precedence in parliament, *APS*, ii, 504

<sup>304</sup> Gore-Brown, *Lord Bothwell*, 270; Donaldson, *James V to James VII*, 124. Although Bothwell did not attend the actual baptism of Charles James (due to the catholic service), at the feast following while Huntly was carver and Morton was cup-bearer, Bothwell acted as the queen's server, *Diurnal*, 104. See also Lynch, M, 'Queen Mary's triumph: the baptismal celebrations at Stirling in December 1566', *SHR*, lxxix (1990), 1-21.

<sup>305</sup> *Diurnal*, 108-9. The change was due to the rehabilitation of the earl of Huntly. Prior to the rehabilitation, Argyll carried the crown, Bothwell carried the sceptre and Crawford carried the sword. Following the rehabilitation, Huntly carried the crown, Argyll carried the sceptre and Bothwell the sword.

<sup>306</sup> Fraser (ed.), *Caerlaverock*, i, 184; HMC, *Third Report*, 114.

<sup>307</sup> van Heijnsbergen, T, 'The interaction between literature and history in Queen Mary's Edinburgh: the Bannatyne manuscript and its prosographical context', *The Renaissance in Scotland*, edd. A A MacDonald, M Lynch and I B Cowan (Leiden, 1994), 221-2; MacDonald, A A, 'William Stewart and the court poetry of king James V', *Stewart Style, 1513-1542*, ed. J H Williams (East Linton, 1996), 196.

<sup>308</sup> Steuart (ed.), *Memoirs of Melville of Halhill*, 126; Blake, W, *William Maitland of Lethington, 1528-1573: a Study of the Policy of Moderation in the Scottish Reformation* (New York, 1990), 67, 129-30.

<sup>309</sup> Knox, *History*, ii, 184, 189, 201.



married to Jean Gordon, daughter of George, fourth earl of Huntly, in a ceremony at Holyrood Abbey. The service was a mixture of protestant and catholic form with the earl refusing to celebrate the union with mass.<sup>310</sup> Mary actively promoted the marriage and along with many around the Scottish court, saw it as strengthening the bonds between two of her staunchest supporters. The history of the earl's complex marital relations need not be gone into here, however, it was not the first time that Bothwell had entered a marital contract with things other than love on his mind. In April 1559, James Hepburn had handfasted to Janet Beaton, lady Buccleuch - someone who would have greatly strengthened his position on the border and in the middle march in particular.<sup>311</sup> This match was never formalised and, when on the continent in 1560-1, the earl also handfasted to Anna Thronndsonn, daughter of the Danish admiral. As a result of this union, Bothwell received 40,000 *yændallers* as a dowry - a sum of money which he spent on his embassy to the French court.<sup>312</sup> As is well known, the marriage between Bothwell and Jean Gordon did not last and, in May 1567, they were divorced on the grounds of the earl's adultery with Janet Beaton, lady Buccleuch, and Bessie Crawford, a sewing-maid.<sup>313</sup>

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<sup>310</sup> *Diurnal*, 88; Knox, *History*, ii, 178; Donaldson, G, *Reformed by Bishops* (Edinburgh, 1987), 6; Gore-Brown, *Lord Bothwell*, 220-3; *Scots Peerage*, ii, 163. For other details of the marriage, see HMC, *Second Report*, 277; Gordon (ed.), *The Records of Aboyne*, 136-7, 469; Calderwood, A B (ed.), *The Buik of the Kirk of the Canagait, 1564-1567* (SRS, 1967), nos 103, 107. Bothwell had previously refused to attend Mary's masses, which caused some English commentators to consider him 'of no religion', HMC, *Pepys*, 77; *CSP Scot*, ii, no 264; Knox, *History*, ii, 174, 193; *Diurnal*, 104; Donaldson, *James V to James VII*, 113; Donaldson, *All the Queens Men*, 50, 75, 78.

<sup>311</sup> SRO, CS7/19, 346; 'Letters of Agnes, countess of Bothwell', *Bannatyne Miscellany*, iii, 280; *Scots Peerage*, ii, 162.

<sup>312</sup> *CSP For*, iii, no 550. Bothwell also, possibly, 'married' a lady at the French court, Gore-Brown, *Lord Bothwell*, 205.

<sup>313</sup> *Diurnal*, 110; Gordon (ed.), *The Records of Aboyne*, 474-5. Bessie Crawford was the mother of William Hepburn (who was named after William Hepburn of Gilmerton) - the illegitimate son of the fourth earl. He remained close to the Bothwell household and, as 'the king's enemy', followed, firstly, James Hepburn, and then Francis Stewart until their respective exiles, Gore-Brown, *Lord Bothwell*, 46; *RPC*, ii, 105; 'Letters and Articles of Patrick, earl of Bothwell', *Bannatyne Miscellany*, iii, 423; *Scots Peerage*, ii, 165. The political friendship between Bothwell and Huntly survived the divorce from his sister, Donaldson, *Reformed by Bishops*, 15.

On 15 May 1567, James Hepburn married Mary, queen of Scots; one month later, the queen was led away from a confrontation at Carberry never to see her husband again.<sup>314</sup> It has been considered that the earl was so powerful following his marriage to Mary that he acted 'every inch the absolute monarch' and engaged in 'tyranny'.<sup>315</sup> Such a view is extreme. Bothwell was consort only for a brief period and did not receive the crown matrimonial or even the title of king of Scots. There was little time for him to have any personal impact on policy during a tense political period. The increase in influence of the earl, however, was perceived as a threat to the interests of others, although, in physical terms, the only extension to his authority was a grant of the dukedom of Orkney - a position which harked back to the interest of the first earl.<sup>316</sup> While the fourth earl's interests in the islands endured for only a short period, they were one of the places he went with his flotilla of ships following his flight from southern Scotland (on way to exile in Denmark).<sup>317</sup> The Scottish government which had forced Mary to abdicate, placed a price of 1,000 crowns on Bothwell's head and forfeited him.<sup>318</sup>

The marriage of James Hepburn to Mary marked the zenith of the political climb of the Hepburn earls Bothwell. While the political situation was not entirely favourable in mid 1567, it was conceivable that the next monarch on Scottish throne would not be a Stewart but a

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<sup>314</sup> *Diurnal*, 111; Calderwood, ii, 357-8; *Scots Peerage*, ii, 164. Bishop Lesley and James Maitland explained Bothwell's influence over Mary through 'foul enchantments', Lang (ed.), 'The apology for William Maitland', *Miscellany of the Scottish History Society*, iv, 146; Tuetet, J B A T (ed.), *Correspondance Diplomatique de Bertrand de Salignac de la Mothe Fénelon, Ambassadeur de France en Angleterre de 1568 à 1575*, 7 vols (Bannatyne Club, 1838-40), i, 20. See also SRO, RD1/9, 86; GD18/3106; GD150/350; Gore-Brown, *Lord Bothwell*, 327; Donaldson, *All the Queen's Men*, 81-4.

<sup>315</sup> Blake, *William Maitland*, 180. According to Knox, after the death of Rizzio, 'Bothwell had, of all men, greatest access and familiarity with the queen, so that nothing of any great importance was done without him', Knox, *History*, ii, 184, 189, 201. According to Melville of Halhill, Bothwell saw the marriage to Mary as a means of controlling prince Charles, Steuart (ed.), *Memoirs of Melville of Halhill*, 146-51.

<sup>316</sup> RSS, v, nos 3530, 3535, In 1568, Bothwell offered the Orkney Isles to Frederick II of Denmark in an attempt to secure his freedom, Schiern, *Life of James Hepburn*, 345.

<sup>317</sup> *Diurnal*, 119; RPC, i, 527-8, 531, 544-8; Mowat, *The Port of Leith*, 131; Stevenson (ed.), *Selections from Unpublished Manuscripts*, 255.

<sup>318</sup> SRO, PA7/1/17; PA7/1/19; *Diurnal*, 112-6.

Hepburn. It requires no recounting here that the marriage of Mary to James Hepburn greatly affected the political development of Scotland. Although the separation of Mary from Bothwell led to less open hostility towards the queen, it strengthened resolve to combat the pretensions of the Hepburn earl.<sup>319</sup>

Traditionally, James Hepburn, like his father, had seen himself as a major force in the south of the realm. In October 1558, he had been constituted lieutenant of the border by Mary of Guise and led a force into England on a punitive raid.<sup>320</sup> A year later, it was Bothwell who had met with the earl of Northumberland to discuss border peace.<sup>321</sup> As with his predecessors, the earl's main interests centred on Liddesdale and during the reign of Mary, queen of Scots, his authority in that area remained virtually unchallenged by central government.<sup>322</sup> Even in November 1561, when James Stewart had assumed the lieutenancy of the border, Bothwell ensured that his lordship would escape justice by obtaining a remission for the area.<sup>323</sup> Within Liddesdale, Bothwell was not as secure as he would have had central government believe.<sup>324</sup> Bothwell's tenants did not always appreciate the earl's administration and he could not always rely on their support. On occasion, external pressure was exerted on some of the tenants,

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<sup>319</sup> Cowan, 'The Marian civil war', 96. See also Calderwood, ii, 358-67; Thomson, T (ed.), *Acts and Proceedings of the General Assemblies of the Kirk of Scotland, from the year MDLX. Commonly known as 'The Booke of the Universall Kirk of Scotland'*, 3 vols (Bannatyne & Maitland Clubs, 1839-45), 112-6, 131, 144.

<sup>320</sup> Labanoff (ed.), *Lettres de Marie Stuart*, ii, 34.

<sup>321</sup> *TA*, x, 399, 404; *CSP For*, i, nos 350, 1283, 1359. Bothwell maintained his relationship with Northumberland and asked for the earl's protection during his exile in 1564. He also appears to have given gifts to the earl from his library, *DNB*, xxvi, 146.

<sup>322</sup> *TA*, xi, 71, 79, 106; Stevenson, J (ed.), *Selections from Unpublished Manuscripts*, 113-5. James Hepburn held greater authority in the region than any of his predecessors as, in January 1558, Mary of Guise had granted him the bailiary and chamberlainship of Liddesdale, *RSS*, v, no 291. On the border, Bothwell had wider interests than solely Liddesdale: he also had dwelling places at Duns, Lauder, Selkirk, Hawick and Jedburgh, *TA*, xi, 355.

<sup>323</sup> Calderwood, ii, 158; Knox, *History*, ii, 24; Elliot, *Border Elliots*, 73.

<sup>324</sup> Stevenson (ed.), *Selections from Unpublished Manuscripts*, 145-6.



specifically the Elliots, in order that they would not to adhere to the earl's requests for due service.<sup>325</sup>

On the border, Bothwell constantly attempted to augment his position at the expense of others. In 1559, Bothwell received full rights to lands which had previously pertained to Melrose Abbey from the commendator, James Balfour. It was not a popular change of lordship and 'men-at-arms kept the possession of Montross [Melrose] against the earl of Bothwell and all his friends'.<sup>326</sup> Despite the history of tension, in October 1566, Michael Balfour, the new commendator, further promised Bothwell all the lands of Melrose which were not already in feu.<sup>327</sup> The earl immediately revised some of the tenurial holdings of the abbey and, thereafter, some of the most significant lands were held by Robert Ormiston (one of the earl's closest supporters).<sup>328</sup>

The acquisition of Melrose can be seen as part of a conscious policy by James Hepburn within the border area. Bothwell did not see his grants purely as financial patronage - although they were highly significant in that regard - instead they were part of a programme of acquisitions which allowed the earl to extend his influence and authority within the middle march. In addition to traditional family lands held in feu in Ettrick Forest,<sup>329</sup> Bothwell was granted the tack of the kirk of St Mary of the Lowis (in Ettrick Forest) by the chaplains of the

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<sup>325</sup> The feud with the Elliots persisted and, in October 1566, while the earl was in Liddesdale to administer justice (prior to Mary going to Jedburgh for a justice ayre) he was shot by John Elliot of the Park, HMC, *Pepys*, 66; Tough, D L W, *The Last Years of a Frontier* (Alnwick, 1987), 201; Steuart (ed.), *Memoirs of Melville of Halhill*, 144; Calderwood, ii, 325-8. Mary visited him at Hermitage Castle and they then travelled to Kelso and Coldingham, *Diurnal*, 100-1; Pitcairn, R (ed.), *Historical Memoirs of the Reign of Mary, Queen of Scots, and a portion of the Reign of King James the Sixth* (Abbotsford Club, 1836), 81.

<sup>326</sup> Lawson & Lyon (edd.), *History of the Church and State in Scotland by Robert Keith*, ii, 187-91.

<sup>327</sup> Sanderson, M H B, *Scottish Rural Society in the Sixteenth Century* (Edinburgh, 1982), 99.

<sup>328</sup> SRO, GD1/146/22; GD1/249/1; GD1/284/1; Fraser, W (ed.), *Memoirs of the Earls of Haddington*, 2 vols (Edinburgh, 1889), ii, 267-8, 271-2. In March 1568, regent Moray granted Alexander Balfour of Denmilne the escheat of goods pertaining to James, earl Bothwell and Robert Ormiston, within the regality of Melrose in return for £3,333 6s 8d, NRA(S) 217/2/102; SRO, GD224/997/1/4; HMC, *Sixth Report*, 642; RMS, iv, no 1819.

<sup>329</sup> ER, xix, 523.

chapel royal in Stirling (which had previously patronised by the Scott lairds of Buccleuch)<sup>330</sup> and the escheat of the keepership of Newark Castle and the lands of Carterhaugh, Whitehallbrae, Auldwerk and Huntly in Selkirkshire with the office of bailie and chamberlain of Ettrick Forest by the queen.<sup>331</sup> In September 1565, Bothwell was the obvious choice to act as lieutenant to counteract the military threat of the earl of Moray (then in disgrace during the Chaseabout Raid).<sup>332</sup> Although Bothwell had just returned from a period of continental exile of his own, his political authority on the border was sufficient to overcome the challenge of the only other candidate for the post, Henry Stewart, king of Scots and the queen's new husband.<sup>333</sup> Following the aftermath of the murder of David Rizzio in March 1566, Bothwell was rewarded for his loyalty with several grants including all Lethington's lands and the tutory of his nephew, Francis Stewart.<sup>334</sup> Not only did this consolidate the earl's influence over his nearest male relative (his sister's son) but it also allowed him to dominate his nephew's assets. The grant to Francis Stewart of Kelso Abbey early in 1567 was not intended to be of immediate benefit for the child, instead, it was to greatly augment the sphere of influence of his uncle in the middle march.<sup>335</sup> Towards the end of Mary's reign, Bothwell's appointment as lieutenant of the border was renewed.<sup>336</sup> However, by this time his authority was under considerable question and in some respects he proved more of a disruptive influence than a controlling figurehead.<sup>337</sup>

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<sup>330</sup> *RSS*, vi, no 61.

<sup>331</sup> *ibid.*, v, no 2962; vi, no 61. The offices and lands were in the queen's hands because of an instrument of horning against Scott of Buccleuch. James Hepburn also held tack of Nether Ancrum and bailiary of Ancrum, Lillislíe and Ashkirk of James Ormiston of that ilk (his man), *RSS*, vi, no 8.

<sup>332</sup> *Diurnal*, 83; *RPC*, i, 383; Calderwood, ii, 286; Donaldson, *All the Queen's Men*, 70-1.

<sup>333</sup> *RPC*, i, 383; *Diurnal*, 83, 85; *DNB*, xxvi, 148.

<sup>334</sup> *CSP Scot*, ii, no 363. The earl feared for his life following the murder of Rizzio, *Diurnal*, 90.

<sup>335</sup> See below, pages 120-1.

<sup>336</sup> *RPC*, i, 509; *TA*, xii, 55.

<sup>337</sup> Fraser, W (ed.), *Annandale Family Book of the Johnstones, Earls and Marquises of Annandale*, 2 vols (Edinburgh, 1894), i, p. liv.

Unlike the third earl, James Hepburn maintained a lively interest in his Lothian lands. As on the border, he utilised politico-religious uncertainty to bolster his influence in an area traditionally associated with his family influence. In May 1559, Elizabeth Hepburn, prioress of Haddington, received permission to 'feu, rent or set in tack' the nunnery lands;<sup>338</sup> by March 1566, the majority of these had been granted to James Hepburn following a revocation of an earlier grant made by Mary to William Maitland, younger of Lethington, the *æconomus* of the nunnery.<sup>339</sup> Further to receiving the lands - making the earl, unquestionably, the most significant landholder in Lothian - Bothwell also claimed that his predecessors had held the right of nomination to the nunnery of Haddington and Mary consented to the provision of Isobel Hepburn, the earl's kinswoman.<sup>340</sup> Isobel Hepburn promptly appointed James Hepburn as chamberlain and factor of the nunnery for his lifetime - making him responsible for the finances of the benefice as well as the lands. While the claims of Bothwell concerning Haddington would seem based on a forced precedent, his ability to acquire rights and lands previously belonging to the church was phenomenal.<sup>341</sup> In addition to the rights of Haddington Nunnery, the earl also received rights pertaining to Newbattle Abbey;<sup>342</sup> the liferent of lands and right of nomination to North Berwick Nunnery;<sup>343</sup> and various ecclesiastical escheats, including that of the teinds of Haddington Kirk.<sup>344</sup> As on the border, such grants meant much more than their simple monetary value. The ecclesiastical benefices allowed the earl Bothwell to patronise clients on a much wider scale than was possible before (he had previously had rights of patronage in a limited number of parishes). In Lothian, such patronage demonstrated

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<sup>338</sup> HMC, *Fifth Report*, 613.

<sup>339</sup> *Diurnal*, 94; Kirk, J, 'The exercise of ecclesiastical patronage by the crown, 1560-72', *The Renaissance and Reformation in Scotland*, edd. I B Cowan and D Shaw (Edinburgh, 1983), 99.

<sup>340</sup> RSS, v, no 2686.

<sup>341</sup> *ibid.*, vi, no 67. Patrick, third earl Bothwell, had nominated Elizabeth Hepburn, Isobel's predecessor, Gore-Brown, *Lord Bothwell*, 118. See above, page 64.

<sup>342</sup> Knox, *History*, ii, 185; *DNB*, xxvi, 148.

<sup>343</sup> RSS, v, nos 2799, 2917. This gave him supervision of North Berwick harbour and, also, the right of nomination of the prioress - in June 1566, Bothwell chose Mariot Cockburn to replace the deceased Mariot Home.



itself through grants of office to members of the Hepburn kindred and also members of closely allied families.<sup>345</sup>

While the acquisition of such benefices represented the augmentation of traditional Hepburn authority within Lothian, the fourth earl Bothwell also coveted rôles which his family had held in the past. In April 1567, James Hepburn recovered the position of keeper of Dunbar Castle<sup>346</sup> and also received lands which traditionally formed part of the earldom of March - East Bams, West Bams, Newtonleyes, Oswalddene, Rig, Fluris and Myreside.<sup>347</sup> This represented a return to the roots of the Hepburn powerbase within Lothian and posed a significant threat to a number of families - such as the Douglasses and the Homes - who had previously benefited from the lack of any great landed lord in the south-east.

The relationship between the earl and the capital appears to have been rather ambivalent. Although sheriff of Edinburghshire (which excluded the royal burgh and the Canongate), Bothwell had little direct impact on town life.<sup>348</sup> Although he occasionally interceded in town justice, and would have held both sheriff and admiralty courts in the town, his influence appears no greater or lesser than a number of other lords.<sup>349</sup> It is possible the town resented the earl's growth in authority during the period 1565 to 1567 and there was public outcry in the town against the earl following the murder of Damley.<sup>350</sup> However, following the marriage of the earl to the queen in May 1567, the situation became more serious: Bothwell obtained not only possession of Edinburgh Castle (where he made sir James Balfour captain)<sup>351</sup> but also

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<sup>344</sup> RSS, v, nos 750, 2354, 2387.

<sup>345</sup> See below, pages 319, 323-5.

<sup>346</sup> *Scots Peerage*, ii, 164.

<sup>347</sup> RSS, v, no 2717; APS, ii, 550; Knox, *History*, ii, 185; CSP Scot, ii, no 393.

<sup>348</sup> Lynch, *Edinburgh and the Reformation*, 119.

<sup>349</sup> *ibid.*, 116. In 1558, Bothwell had been one of six members of the nobility the town council had requested to offer them aid and assistance. The others were the earls of Morton and Glencairn and the lords Erskine, Sempill and Ruthven, *EBR*, iii, 20.

<sup>350</sup> Lynch, *Edinburgh and the Reformation*, 119.

<sup>351</sup> *Diurnal*, 120. Bothwell later sought to put the Hepburn laird of Beanston in keepership of Edinburgh Castle because of jealousies with Mar and James Balfour, Steuart (ed.), *Memoirs of Melville of Halhill*, 150-1.

of the superiority of Leith. Each action represented a considerable threat to the independent administration of the town.<sup>352</sup>

Finances for the fourth earl had always been a problem. The third earl had left the Hepburn estates poorly administered and considerably dispersed through mortgages and sales. The situation could not have been helped by the political uncertainty in the later 1550s which meant that governmental income from the earl's offices would also have been difficult to assure. There were four options open to solve the earl's financial problems: firstly, to acquire patronage from the crown or other members of the nobility (as the earl had done consistently both in Lothian and on the border);<sup>353</sup> secondly, to acquire assets through border raiding or political acts (as he had done successfully in 1559);<sup>354</sup> thirdly, to finance his actions by means of credit and loans;<sup>355</sup> and, finally, to sell those assets still in his possession.<sup>356</sup> James Hepburn engaged in all four available options, however, it was the mortgaging and sale of his heritage which would cause the most concern for his successor.

Most of the sale of property occurred in the initial years of the earl's tenure, up until his exile in 1562. It was a method of raising finance used so frequently that almost every part of the earl's holdings was mortgaged.<sup>357</sup> In August 1558, four Königsburg merchants received a grant of the annual mails of various comital lands valued at £240 in return for debt<sup>358</sup> and, the same year, Bothwell was forced to issue a charter of entail for his earldom and offices to William

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<sup>352</sup> Lynch, *Edinburgh and the Reformation*, 119.

<sup>353</sup> see above, pages 88-91.

<sup>354</sup> see above, pages 81 & 87.

<sup>355</sup> Bothwell had a good relationship with some of the burgesses of Edinburgh, especially James Barron and Michael Gilbert, and sought financial assistance from them as well as the merchant community in Leith, *RSS*, vi, no 182; Knox, *History*, ii, 37; Gore-Brown, *Lord Bothwell*, 163; see also below, page 97. Barron was also a leading financier of Edinburgh Town Council, Lynch, *Edinburgh and the Reformation*, 119.

<sup>356</sup> see below, page 93 and *Appendix 4*.

<sup>357</sup> Gore-Brown, *Lord Bothwell*, 144, 178. The earl also disposed of some lands he was tenant of in Ettrick Forest, *RSS*, vi, no 139.

<sup>358</sup> Angus (ed.), *Protocol Book of Gilbert Grote*, no 168. The transaction probably relates to an action undertaken by pirates under the protection of Patrick Hepburn, the earl's father, *CLP(F&D)HVIII*, xix(i), no 152.

Hepburn of Gilmerton for £100. This curious document probably was signed in return for financial or military assistance and paid little heed to the proper descent of the earldom.<sup>359</sup> In April and May 1560, the earl sold more of his lands - no doubt to finance his embassy to the continent - and it would appear that, certainly until 1565, the earl was rarely far from illiquidity and extremely close to bankruptcy.<sup>360</sup> Even when back in favour, there is no suggestion that Bothwell had sufficient funds to unmortgage lands of his own accord. Part of the attraction of his marriage to Jean Gordon was her tocher of £8,000 which was to be utilised to pay off the creditors who held the rights to the lands which had been granted to his new wife as her jointure - Crichton, Thorniedykes, Lochquarriot, Vogrie and Nether Hailes (that is, the central lands of the lordships of Hailes and Crichton).<sup>361</sup>

Following the earl's return to Scotland in 1565, and his considerable growth in favour with the queen, the receipts of the earldom should have been more assured. In 1567, it was estimated that his offices guaranteed James Hepburn £500 as lieutenant of the border; £1,000 from the abbacies of Melrose and Haddington; £1,000 from the keepership of Dunbar and stewardship of the earldom of March; £1,000 from the keepership of Edinburgh Castle; and 'many merks' from his new ducal lands in Orkney and Shetland.<sup>362</sup> More importantly, in March 1567 (three weeks after the murder of Henry, king of Scots), Mary had granted James Hepburn all the royal casualties within the sheriffdoms of Edinburgh, Berwickshire and the constabulary of Haddington from the time of his father, Patrick (that is, since 1513). This

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<sup>359</sup> *Scots Peerage*, ii, 162-3. The entail had Alexander Hepburn of Whitsome, Patrick Hepburn of Kirklandhill, James Hepburn of Rollandston, and Henry Hepburn of Westfortune as reversionaries. It is unclear why Bothwell named his kinsmen in this way when Patrick Hepburn of Bolton, master of Hailes, was still alive. Although it is known that Bothwell had a close relationship with Hepburn of Gilmerton, the suspicion must remain that the contract was largely concerning finance, 'Letters of Patrick, earl of Bothwell', *Bannatyne Miscellany*, iii, 408; Gore-Brown, *Lord Bothwell*, 45-6.

<sup>360</sup> Gore-Brown, *Lord Bothwell*, 93.

<sup>361</sup> Gordon (ed.), *The Records of Aboyne*, 472; Sanderson, M H B, *Mary Stewart's People* (Edinburgh, 1987), 37-8; *RSS*, v, nos 2641, 2895. In addition to the tocher, Bothwell received £333 6s 8d for his personal use.

<sup>362</sup> *CSP Scot*, iv, no 735; *RSS*, v, no 2512; Brydon, R S, *The Finances of James VI, 1567-1603* (unpublished Ph.D., Edinburgh, 1925), 6.



meant not only further annual heritable income for the earl, but also eliminated the considerable liability James Hepburn owed to the Scottish crown - a liability which had haunted his father during his later years.<sup>363</sup>

More is known of the supporters of the fourth earl than of any previous laird of Hailes. Like his predecessors, James Hepburn placed significant authority in his extended kindred; unlike his predecessors, however, he had limited close family - only one sister and no paternal uncles or aunts.<sup>364</sup> Of the thirty-two men summoned to appear with James Hepburn for 'certain crimes' in 1567, seven were Hepburn kinsmen and the majority of the rest were either personal servants or associates from Lothian, Berwickshire and Liddesdale.<sup>365</sup> Many of the same men were summoned before parliament to answer treason charges in December and, in addition, so were nine other prominent Hepburns including Patrick, bishop of Moray; George, parson of Dalry; Patrick, parson of Kynnoir; Thomas, parson of Oldhamstocks; and Patrick, laird of Waughton.<sup>366</sup>

Like other members of the nobility, earl Bothwell, administered his diverse responsibilities by means of a council. Not enough is known of noble councils in the sixteenth century and even that of James Hepburn is elusive. Melville of Halhill notes that Bothwell's council included Patrick Whitelaw of that ilk (the captain of Dunbar Castle),<sup>367</sup> and it would seem safe to assume that the other three lairds knighted following the earl's marriage to Mary in 1567 - James Cockburn of Langton (sheriff-depute of Berwickshire), James Ormiston of that ilk and

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<sup>363</sup> RSS, v, no 3303. See above, pages 71-2.

<sup>364</sup> Schiern, *Life of James Hepburn*, 299; Lee, *James Stewart*, 184.

<sup>365</sup> TA, xii, 80-1. Such as George Brown of Coulston, Andrew Ker of the Hirsell, John Turnbull of Gatehousefoot, Henry Haitlie of Mellerstane, Simon Armstrong of Mangerton and Gilbert Wauchope of Niddry-Marischal. In August 1567 arrests were ordered for the Twedies of Drummelzear, Ford and Draway; Sandilands of Bold; Dickson of Winkistown and Home of Spott, TA, xii, 72.

<sup>366</sup> APS, iii, 6. Of the men indicted for treason in 1567, Alexander Hepburn of Whitsome, Patrick Hepburn of Fortune and Thomas Hepburn, parson of Oldhamstocks (along with Patrick Hepburn of Kirklandhill and David Chalmer, provost of Crichton) were also indicted for treason along with James, duc de Châtelherault in 1568, APS, iii, 49.

<sup>367</sup> Steuart (ed.), *Memoirs of Melville of Halhill*, 151.

Alexander Hepburn of Beanston<sup>368</sup> - were also regular advisors. Beyond these four men, analysis becomes more difficult. There was certainly a strong aspect of continuity in relations between favourers of the third earl and the fourth.<sup>369</sup> Michael Balfour of Burleigh was considered a 'special' servitor to the fourth earl as he had been for the third earl;<sup>370</sup> the Scotts of Buccleuch had long been associated with the earls Bothwell (both the third and the fourth earls had held the gift of marriage of members of the Scott family);<sup>371</sup> and the Hepburn family had long standing contacts with the Bellenden family going back to the fifteenth century.<sup>372</sup> Other close familiars of the fourth earl included John Cockburn of Ormiston, William Lauder of Halton, James Sandilands of Calder, James Balfour of Pittendriech (sometime clerk register), John Hay of Tallo and Archibald Douglas (parson of Glasgow).<sup>373</sup>

It is almost impossible to gauge the military capability of the fourth earl Bothwell. Knox recorded that the earl felt that he was 'obliged to keep a number of wicked and unprofitable men to the utter destruction of my living'<sup>374</sup> which would seem to imply that the earl, at times, had to rely on a paid band of mercenaries to protect his interests. In 1565, although he was supported by a sizeable number of his vassals, Bothwell could not rival the combined forces of Moray and Argyll<sup>375</sup> and, in April 1567, at the 'capture' of Mary west of Edinburgh, Bothwell

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<sup>368</sup> *Diurnal*, 111.

<sup>369</sup> In March 1562, John Knox (who did not share the same political objectives as Bothwell) commented that he would reserved judgement on the earl as 'yet have I borne a good mind to your house...for my grandfather, goodsire and father have served your lordships predecessors, and some of them have died under their standards', Knox, *History*, ii, 38; Rogers, C (ed.), *Genealogical Memoirs of John Knox and of the Family of Knox*, (Grampian Club, 1879), 59.

<sup>370</sup> Knox, *History*, i, 456; 'Letters of Agnes, countess of Bothwell', *Bannatyne Miscellany*, iii, 305; 'Letters of Patrick, earl of Bothwell', *Bannatyne Miscellany*, iii, 415; Gore-Brown, *Lord Bothwell*, 79, 126, 183, 268, 341. See also above, page 88.

<sup>371</sup> *RSS*, vi, nos 16, 61.

<sup>372</sup> van Heijnsbergen, 'Interaction between literature and history in Queen Mary's Edinburgh', 208-9.

<sup>373</sup> Knox, *History*, ii, 185; Gore-Brown, *Lord Bothwell*, 15; Schiern, *Life of James Hepburn*, 299; Lee, *James Stewart*, 184; Anderson, *Robert Stewart*, 54. For Archibald Douglas, see below, pages 113-4.

<sup>374</sup> Knox, *History*, ii, 323.

<sup>375</sup> *DNB*, xxvi, 148.

was reported to have between 700 and 800 supporters.<sup>376</sup> Such numbers, while not large, could be seen to represent the minimum military force Bothwell had at his command at short notice. This support were not purely mercenary and did not automatically desert the earl when he went into exile following Carberry - Patrick Hepburn of Waughton and Patrick Whitelaw of that ilk held Dunbar Castle in the earl's name until October 1567<sup>377</sup> and, proportionately, a greater number of Lothian landowners remained loyal to the queen in the same period (with a significant number of the Hepburns joining the pro-Marian Hamilton party).<sup>378</sup>

Although it was not until 14 April 1578 that Bothwell died, insane in Dragsholm Castle, his death had been anticipated for a number of years.<sup>379</sup> In 1573 (when Jean Gordon remarried), his death was already assumed and the acquisition of the styles lord Hailes and Crichton by Francis Stewart in 1575 may also have been less than co-incidental.<sup>380</sup> Aside from Francis Stewart and the crown,<sup>381</sup> several notable families benefited from James Hepburn's forfeiture - the earls of Morton, Angus, and Mar; lords Home and Lindsay of the Byres; and lairds such as Stewart of Traquair, Balfour of Denmilne, Home of West Reston, Roule of Peilwallis, Scott of Buccleuch and Ker of Cesford. Many of the beneficiaries had previously been tenants of the earls Bothwell and following the fourth earl's forfeiture were granted rights to hold their lands directly of the king instead.<sup>382</sup> It was not only the landed classes who benefited - the

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<sup>376</sup> *Diurnal*, 109; Gore-Brown, *Lord Bothwell*, 345-6.

<sup>377</sup> Lee, *James Stewart*, 214; van Heijnsbergen, 'Interaction between literature and history in Queen Mary's Edinburgh', 208-9. Mary was alleged to have led Bothwell to the field of Carberry that 'he in turn might be murdered', Williams, N, *A Tudor Tragedy: Thomas Howard, Fourth Duke of Norfolk* (London, 1964), 225.

<sup>378</sup> *APS*, iii, 49; Cowan, 'The Marian civil war', 97, 100.

<sup>379</sup> Gore-Brown, *Lord Bothwell*, 456; Rogers (ed.), *Estimate of the Scottish Nobility*, 10-11.

<sup>380</sup> SRO, RD1/14, 11; PS1/42, f. 115r; *RSS*, vii, no 56; Sanderson, *Mary Stewart's People*, 41.

<sup>381</sup> *RSS*, vi, no 97, 98. On 6 January 1568, a decree was passed stating that, following the forfeiture, the previous vassals of Bothwell were to hold their lands of the regent and pay their obligations to the comptroller *via* the regent, HMC, *Sixth Report*, 640; *TA*, xii, 96.

<sup>382</sup> *RSS*, vi, nos 73, 85, 117, 118, 148, 155, 181, 192, 865, 1944. Previous tenants who benefited included William Stewart, John Home of West Reston, Robert Rowle of Peilwallis, Robert Bailie of Jervistoun, Alexander Bailie of Carnfyn, William Redpath of that ilk, Alexander Haitlie of Lambden, Stephen Turnbull of Wollie, Adam Nicholson in Hailes and John, earl of Mar. Many of those who



earl's moveable assets were sold off and beneficiaries included Robert Wood from Leith who received the escheat of one of earl Bothwell's ships and Michael Gilbert, an Edinburgh goldsmith, who retained lands which Bothwell had previously sold to him.<sup>383</sup> The heritable offices which had pertained to the fourth earl also changed hands - lord Home assumed the sheriffship of Berwick and bailiary of Lauderdale,<sup>384</sup> and James Douglas, fourth earl of Morton, assumed the offices of admiral, sheriff of Edinburgh and constable of Haddington.<sup>385</sup> While the dispersal of the Hepburn heritage could be considered absolute, it was not as extreme as it would first appear. Forfeitures in sixteenth century Scotland were rarely permanent and, of those who had benefited, lord Home was related to the fourth earl by marriage; James Douglas, earl of Morton (and future regent) eventually assumed the tutory of Francis Stewart (who was to become fifth earl Bothwell); and the extended Hepburn kindred who had not involved themselves with the final actions of the fourth earl were not disadvantaged.<sup>386</sup>

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A large part of the influence exercised by Francis Stewart, fifth earl Bothwell, was due to the heritage he received from his mother's family. The Hepburns had demonstrated authority in Lothian and Berwickshire for over two centuries. During that period, they had consolidated and extended their power-base and formed secure personal and political associations. The Hepburn family, initially, had benefited from strong relationships with the dominant figures in

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benefited from the forfeiture had already purchased (or otherwise received) a lease for the lands in blench ferm which meant nominal rents and increased detachment from their feudal superior.

<sup>383</sup> RSS, vi, nos 8, 12, 16, 61, 67, 72, 73, 85, 117, 118, 182, 186, 899; vii, nos 811, 1828; SRO, GD124/1/444; GD150/1461; GD224/997/1/4; TA, xii, 72, 109. For example, the earl's 'Paris fine' silver raised £366 4s 4d.

<sup>384</sup> RSS, vi, no 72.

<sup>385</sup> *ibid.*, vi, no 92; vii, no 1828; SRO, GD150/2278.

<sup>386</sup> RSS, vi, nos 122, 2146; vii, no 1113.

south-east Scottish politics. When the earls of March and Douglas and the dukes of Albany successively fell foul of the Scottish monarchy, however, it was the Hepburns who were one of the families who reassessed their loyalties and, in part, managed to fill the political vacuum left by their former superiors.

From around the middle of the fifteenth century, the Hepburns came to be recognised as the major family of influence in Haddingtonshire. The location of their main interests gave ready access to central government and court and allowed the family to develop strong interests in and around Edinburgh. The Hepburns of Hailes accepted the responsibilities of local leadership in times of peace and war but also developed a complex network of deputies and local officers to assist their administration in times of their absence. These networks were strongly based on the extended Hepburn kindred (but also included tenants and wider associates) and their success was founded on a continuity of trust placed in them by successive lairds.

From the assumption of the title 'earl Bothwell' the Hepburns played an increasingly prominent rôle in central government. This rôle was not purely ceremonial or administrative (although the Hepburn kindred were significant members of the king's council), instead it relied for its substance on a close relationship with the monarchs and, particularly, their consorts. Despite this close association, apart from a brief period early in the reign of James IV, the earls Bothwell were rarely able to dictate royal policy - they were merely one voice seeking the king's ear for protection of their interests and preferment of their *familia*.

The earls Bothwell also had a number of interests outwith Haddingtonshire. Although they maintained their traditional interests in Berwickshire, their principal concerns on the border increasingly centred around the lordship of Liddesdale. On account of the distance between central government and Liddesdale, the earls and their representatives were able to take a more independent attitude within their lordship, dictated not solely by the concerns of

Edinburgh but also with an awareness of the Anglo-Scottish situation. The earls Bothwell maintained strong cross-border links, although some of these would not always have been considered positively by either Edinburgh or London. The reason some of these actions were viewed more pragmatically by the local tenants was that the earls offered a continuity of approach and reliability of protection from outside interests. As a result of this and the rarity of heavy-handed intervention, when out of favour, the earls Bothwell still appear to have received reasonably strong residual loyalty from within their areas of interest. It is no surprise that, from the viewpoint of central government, successful periods of border control in Liddesdale co-incided with periods when the authority of the earls Bothwell was restricted either by comital minority or exile.

As well as relations with England, the earls Bothwell had strong contacts with foreign authorities. Partly this came through personal continental contacts - either as a result of academic education or royal embassies - and partly it came through their influence as admiral. All the earls Bothwell were active as admirals, however, not enough is known of maritime history in sixteenth century Scotland to allow anything more than an elementary understanding of this office of state. Admiralty interests, for example, may explain the attention shown towards Orkney by the first and fourth earls, as well as Francis Stewart; they may help dictate noble associations with burgesses of Edinburgh and merchants of Leith; and they may also help clarify how the earls Bothwell received a notable proportion of their disposable income.

While the first two earls Bothwell and their kindred had been trusted representatives of the government, during the reign of James V, a perceptible change in relations occurred between the Hepburns and the crown. As the Scottish crown engaged in a policy to extend its authority over both the more outlying areas of the kingdom and independent jurisdictions, the traditional responsibilities of the earls suffered. The inadequate responses of the third earl resulted in confrontation and disgrace and, between 1530 and 1580, there was less than twenty years of



effective comital control within the Bothwell earldom. Although the fourth earl ultimately rose to the position of royal consort to Mary, queen of Scots, his personal and political actions ensured further disgrace for the Bothwell earldom. This had a number of major implications for the earldom - its holdings were progressively alienated; its administration became less regular; its finances deteriorated; and its influence, both at a local and national level, was severely curtailed.

By the time Francis Stewart succeeded to the earldom, it was apparent that he was faced with a double-edged heritage. For all the local influence and contacts he could pretend to, the previous fifty years of intermittent tension and animosity with central government (and the fact that the majority of the earldoms lands and offices were in the hands of rival families) meant that he would have to work extremely hard to re-establish not only a national but also a local position for himself and his successors.

## ***CHAPTER TWO***

### ***Family members, early life and education***

In Scottish political history, the family, kinship and long-term relationships are the most important factors in the shaping of an individual's place in society. In this respect, Francis Stewart was no different to other members of the nobility: born in the early 1560s - both a period of political and religious uncertainty and a period of great hope - the one thing he could be sure about was that his future would be shaped in terms of the ancestry of his past. The previous chapter demonstrated that the legacy Francis Stewart received from his mother's family was substantial, however, Francis's father, John Stewart, came from no less distinguished a lineage: he was the illegitimate son of James V and Katherine Carmichael, the daughter of John Carmichael of Meadowflat, captain of Crawford.<sup>1</sup>

\* \* \* \* \*

John Stewart was born around 1531 and was the third oldest of James V's bastards: James *senior* (later commendator of Melrose and Kelso; d. 1557) and James *secundus* (later regent Moray; d. 1570) were older.<sup>2</sup> Although believed to have been poorly in his youth,<sup>3</sup> John was educated along with James *secundus* and another half-brother, Robert *senior* (later earl of Orkney; d. 1592) at St Andrews and then on the continent.<sup>4</sup> In 1541, John was proposed by

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<sup>1</sup> *Scots Peerage*, ii, 168. Katherine Carmichael later married John Somerville of Cambusnethan. For further details, see Curle, A O, 'John Carmichael of Meadowflat, the captain of Crawford', *SIIR*, iv (1907), 178-204.

<sup>2</sup> John was noted as the same age as James *secundus* in 1534 and may have been the second oldest of the illegitimate sons of James V, HMC, *Sixth Report*, 670; Fraser, W (ed.), *The Lennox*, 2 vols (Edinburgh, 1874), i, 419; *Scots Peerage*, i, 24; ii, 168-9; Cokayne, *et al* (edd.), *Complete Peerage*, iv, 82a; *DNB*, liv, 322-3. Published biographies exist for two of the half-brothers of John Stewart, see Lee, M, *James Stewart, Earl of Moray* (New York, 1953) and Anderson, P D, *Robert Stewart, Earl of Orkney, Lord of Shetland, 1533-1593* (Edinburgh, 1982). For references to the other illegitimate children of James V, see *Scots Peerage*, i, 24-5; Anderson, *Robert Stewart*, 156-8.

<sup>3</sup> Anderson, *Robert Stewart*, 3.

<sup>4</sup> *TA*, vii, 312-4; HMC, *Sixth Report*, vi, 670; *Hamilton Papers*, ii, 618; Anderson, J M (ed.), *Early Records of the University of St Andrews* (SHS, 1926), pp. xxiv-v, 252; Donaldson, G, & Macrae, C (edd.), *St Andrews Formulare, 1514-1546*, 2 vols (Stair Society, 1942-4), ii, 141; Dilworth, 'Coldingham', 126; Anderson, *Robert Stewart*, 3. John was at St Andrews from 1540 for his education and matriculated at the university in 1545. In France, he possibly studied under Peter Ramus, a noted humanist, and was considered to have achieved the distinction of 'professour',



James V as commendator of Coldingham - the poorest of all the benefices granted by the king to his illegitimate sons.<sup>5</sup> James V augmented the grant with a pension from the bishopric of Orkney worth £533 6s 8d (although later grants of pensions and debts from Coldingham again diminished its value).<sup>6</sup> The Orkney pension (later decreased to £400) was still being paid at John's death in 1563.<sup>7</sup> There is no evidence that John took any major holy orders, but Dilworth has persuasively argued that, like his elder brothers who were also commendators, John was conscientious enough not to marry while in office.<sup>8</sup> John had been legitimated, along with James *secundus*, in February 1551, and it was obvious that he was intended for a career in the church.<sup>9</sup> John was an extremely active commendator of Coldingham, granting a large number of small feus to tenant farmers and town dwellers within Coldingham and Eyemouth.<sup>10</sup>

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Calderwood, ii, 143. While in France, as well as pursuing his scholarly activity (he published a volume of writings) he learned the art of warfare and received further ecclesiastical patronage (from Henri II), Doughty, D W, 'The library of James Stewart, earl of Moray, 1531-70', *Innes Review*, xxi (1970), 25-6; Dilworth, 'Coldingham', 126-7; Cameron (ed.), *Correspondence of Mary of Lorraine*, 343; Donaldson, *James V to James VII*, 80; Donaldson, G, *Mary, Queen of Scots* (London, 1974), 33; Donaldson, G, 'Stewart builders: the descendants of James V', *The Stewarts*, xiv (1938), 116; Anderson, *Robert Stewart*, 7-8. During the period 1543-60, John was one of only six noblemen (out of 104 considered) who wrote in fluent italic hand, Simpson, *Scottish Handwriting*, 24. It remains possible, however, that in some of the continental records he is confused with another John Stewart, a native of Glasgow and pupil of Ramus, who studied at Paris around the same time and was a 'professour' and procurator of the German nation, Smith, D B, 'A Scottish pupil of Ramus', *SHR*, xvii (1920), 158-61.

<sup>5</sup> *CLP(F&D)HVIII*, vol. xvi, nos 690, 964; Kirk, J (ed.), *The Books of Assumption of the Thirds of Benefices: Scottish Ecclesiastical Rentals at the Reformation* (Oxford, 1995), 197-205, 659; Cowan, I B, & Easson, D E (edd.), *Medieval Religious Houses: Scotland* (London, 1976), 55-8. James V petitioned that Adam Blackadder, the previous commendator, should be removed to Dundrennan Abbey. John did not enjoy the revenues of Coldingham during his father's life as they were diverted to the king, Thomson (ed.), *History of Scotland, by John Lesley*, 155. Following the death of James V, parliament agreed that all surplus revenue of the benefices held by the late king's sons should be acquired by the new governor, the earl of Arran, to support his household, *APS*, ii, 424; Wormald, *Court, Kirk and Community*, 85; Dilworth, 'The commendator system in Scotland', *Innes Review*, xxxvii (1986), 60-4.

<sup>6</sup> *CLP(F&D)HVIII*, vol. xvi, nos 690, 965, 1014.

<sup>7</sup> Kirk (ed.), *Books of Assumption*, 659. The reduced sum of £400 still represented over a quarter of the income of the bishopric of Orkney. It was paid from the dues of Gilbert Balfour of Westray, Donaldson, *Reformed by Bishops*, 25, 36.

<sup>8</sup> Dilworth, 'The commendator system', 60. James Stewart had taken major orders and was, by 1560, a deacon in the catholic church.

<sup>9</sup> *RMS*, iv, no 565. I am grateful to Dr Alan MacDonald, University of St Andrews, for discussion on the significance of this document. There is no recorded legitimisation for Robert.

<sup>10</sup> For analysis, see Sanderson, *Scottish Rural Society*, 79-83; Sanderson, M H B, 'The feuars of kirklands', *SHR*, lii (1973), 117-36.

He frequently resided in Coldingham and his close association with his charge allowed him to forge alliances and friendships with a number of border lairds (which would benefit his son in later years).<sup>11</sup>

John was the favourite half-brother of Mary, queen of Scots, and was amiable, athletic, scholarly and entertaining.<sup>12</sup> In that respect, John Stewart's legacy could not have been more different than his brother-in-law's: while James, earl Bothwell, antagonised contemporaries with his personal and political actions, John Stewart acted as a political fixer and accomplished courtier.<sup>13</sup> Unfortunately, John Stewart is eclipsed in nearly all historiography of the period by his half-brother, James, earl of Moray. The contribution of John to the troublesome early years of the reformation in Scotland should not be underestimated.

The traditional view is that John was a noted protestant and, although less prominent in the affairs of 1559-60 than his half-brothers, was a pronounced Anglophile who attended the 'Reformation Parliament', supported the proposal of marriage between James Hamilton, earl of Arran, to Elizabeth of England and ratified the treaty of Berwick.<sup>14</sup> Unfortunately, such an uncritical view does not sit well with the known facts of John's life. As a trusted counsellor of governor Arran,<sup>15</sup> Mary of Guise,<sup>16</sup> the interim government,<sup>17</sup> and Mary, queen of Scots, he surely has to be viewed as a pragmatist.<sup>18</sup> For both Mary of Guise and her daughter, he held

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<sup>11</sup> For example, David Lumsden, younger of Blanerne, SRO, RD1/3, 340; David Sinclair of Blans, RSS, v, no 1609; Patrick Edington, *TA*, xi, 21.

<sup>12</sup> *CSP Scot*, i, nos 1035, 1049; Lawson & Lyon (edd.), *History of the Church and State in Scotland* by Robert Keith, ii, 99; Anderson, *Robert Stewart*, 42, 159; Bingham, C, *Darnley* (London, 1995), 79.

<sup>13</sup> He could run-the-ring masked - a feat associated with an extremely accomplished horseman, *CSP Scot*, i, 1049; Lawson & Lyon (edd.), *History of the Affairs of the Church and State in Scotland* by Robert Keith, ii, 119.

<sup>14</sup> *CSP Scot*, i, nos 786, 885; *CSP For*, iii, no 70; *APS*, ii, 606-6; Calderwood, i, 478; Laing (ed.), *Works of John Knox*, i, 335; ii, 46, 88; Teulet (ed.), *Correspondance Diplomatique*, i, 222; Lawson & Lyon (edd.), *History of the Church and State in Scotland* by Robert Keith, i, 313; *Scots Peerage*, ii, 168; Cokayne, *et al* (edd.), *Complete Peerage*, iv, 82a; Donaldson, *All the Queen's Men*, 37.

<sup>15</sup> *RPC*, i, 141.

<sup>16</sup> *APS*, ii, 503; *CSP Scot*, i, nos 594, 1010; *TA*, xi, 68, 205, 523-4; *ER*, xix, 242, 244; Cameron (ed.), *Correspondence of Mary of Lorraine*, 342, 414.

<sup>17</sup> *CSP Scot*, i, no 868.

<sup>18</sup> *TA*, xi, 8-9, 21.

the strategically important stronghold of Dunbar Castle.<sup>19</sup> As late as December 1559, John Stewart still was not considered to be in the anti-French and pro-reform camp (and in alliance with his half-brothers James and Robert). Instead, John was noted as neutral along with the 'greater part of the barons and landed men through the whole realm'.<sup>20</sup> Earlier in the year, he had sheltered and refreshed French troops sailing north to Leith and tried to spy on the English fleet.<sup>21</sup> At the same time, he also tried to pass on the information concerning French military strength and strategic movements to the English in Berwick.<sup>22</sup> Politically ambitious, it was considered that John was so attached to his half-sister, that, irrespective of his personal religious beliefs, he would act against the kirk if it acted against her.<sup>23</sup> Calderwood too commented on John Stewart's ambition but specifically mentioned his strength of character which allowed him to dominate his more passive half-brother, Robert *senior*.<sup>24</sup> Despite political and religious differences, the relationship between John and his half-brothers remained strong throughout his life.<sup>25</sup> All three took turns to guard the queen, although sometimes, when James took the public rôle (such as barring the door against protestant rioters during Mary's first Mass in Edinburgh), it was John and Robert who undertook the more delicate tasks (such as ensuring the free access and egress of the priest).<sup>26</sup> John was not afraid to involve himself in controversial matters: in a dispute between the earls of Arran and Bothwell, he took the side of the latter nobleman (whereupon Robert Stewart also soon joined the party) and contributed to events which almost

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<sup>19</sup> *TA*, xi, 68, 205; *ER*, xix, 242, 244. He was displaced, between times, by a French military garrison, *CSP Scot*, i, no 1010.

<sup>20</sup> *CSP For*, ii, no 392.

<sup>21</sup> *CSP Scot*, i, nos 594, 622.

<sup>22</sup> *ibid.*, i, no 626.

<sup>23</sup> Gatherer, W A (ed.), *The Tyrannous Reign of Mary Stewart* (Edinburgh, 1958), 63; Gore-Brown, *Lord Bothwell*, 136.

<sup>24</sup> Calderwood, ii, 164.

<sup>25</sup> John, Robert and James *secundus* frequently appear as reversionaries in each other's grants, *RSS*, v, nos 1307, 1308, 1329, 1356, 2000; *RMS*, iv, nos 41, 565; *NRA(S)* 217/2/1. When John died, his son, Francis, took his place in the reversions, *NRA(S)* 217/2/2 (where 'the son of John Stewart' is specifically mentioned as a substitute, as his father was then dead); *SRO*, RH6/2129; RH6/2254. This situation continued until the late 1580s, *SRO*, PS1/59, f. 111r.

<sup>26</sup> Laing (ed.), *Works of John Knox*, ii, 271, 293.



ended in a full scale riot on the streets of Edinburgh.<sup>27</sup> Nevertheless, John Stewart remained popular as he 'was a man of mild disposition, who cultivated the greatest familiarity with all the nobles of the country'.<sup>28</sup>

John received a number of grants from his half-sister: in August 1561, one of the queen's first actions on returning from France was to invest John in the keepership of Dunbar Castle;<sup>29</sup> in 1562, he received the lordship of Darnley;<sup>30</sup> a year later, he received the teinds of the lordship of Enzie,<sup>31</sup> and lands in Banffshire which had previously belonged to John Gordon of Deskford.<sup>32</sup> The grant of Enzie was part of a concerted policy by Mary, queen of Scots, to counterbalance the powerbase of the newly forfeited earl of Huntly. While James *secundus* received, firstly, the earldom of Mar and, then, the earldom of Moray and Robert Stewart received the lordship of Strathdon - all on the periphery of Gordon power - John Stewart, with his grant of Enzie was placed much closer to the heart of Gordon power, within the forest of Boyne and with Bog o' Gight as his demesne castle. The placement of John Stewart in Enzie was a recognition of his reliability and loyalty. In October 1562, three weeks prior to the confrontation at Corrichie, it was John Stewart who was chosen to try to capture Huntly and accept the surrender of Strathbogie.<sup>33</sup> John led a regiment of horse and chased Huntly from Loch Skene to Corrichie whereupon he sent for Moray to reinforce him.<sup>34</sup> A year later, in the autumn of 1563, John Stewart proceeded north to Inverness with his two half-brothers to

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<sup>27</sup> *CSP Scot*, i, no 1056; Calderwood, ii, 162; Lawson & Lyon (edd.), *History of the Church and State in Scotland by Robert Keith*, ii, 129-30; iii, 48; Laing (ed.), *Works of John Knox*, ii, 315, 320-2; Lynch, *Edinburgh and the Reformation*, 99; Anderson, *Robert Stewart*, 42. See also above, pages 82-3.

<sup>28</sup> Gore-Brown, *Lord Bothwell*, 136.

<sup>29</sup> *CSP Scot*, i, no 1010; Laing (ed.), *Works of John Knox*, vi, 129.

<sup>30</sup> He received a tack of the lands in 1556, *RSS*, iii, no 3263, and the lands themselves, on marriage, in 1562, *RSS*, v, no 964.

<sup>31</sup> *ibid.*, no 1280.

<sup>32</sup> *ibid.*, no 1630.

<sup>33</sup> *CSP Scot*, i, no 1144. He failed to capture the earl.

<sup>34</sup> *Diurnal*, 73-4.

administer justice.<sup>35</sup> A more entertaining claim is that he went north to escape his domineering wife who wished him to prosecute a raid against a band of Homes.<sup>36</sup> Regardless of the motive, it was an unfortunate decision - John Stewart never returned from Inverness and he died there during the last week of October.<sup>37</sup>

Had John Stewart lived, the political development of Scotland may have been significantly different. As a close confidant of his half-sister, John provided a buffer between the queen and those who opposed her - be it Knox or, to a lesser extent, Moray. On one occasion, after one of Knox's rants, of the three half-brothers, only John Stewart was permitted to enter the royal bed-chamber to comfort the queen.<sup>38</sup> Such behaviour caused John to speak out publicly against the ministers and criticise them for harassment of their queen.<sup>39</sup> Unlike Moray, John was not a staunch believer in protestantism (although he outwardly conformed). After his death, when Mary was told that, at the end, he had asked for forgiveness from a protestant god (and suggested that she do likewise ) she responded that by that, she knew the story to have been an invention.<sup>40</sup>

John Stewart's close political association with James Hepburn, earl Bothwell, brought him the reward of a significant bride - Jean Hepburn, the earl's only sister and heir - 'a sufficient woman for such a man'.<sup>41</sup> It was also reported that the earl had granted to the couple 'some

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<sup>35</sup> Laing (ed.), *Works of John Knox*, ii, 391; Lawson & Lyon (edd.), *History of the Church and State in Scotland by Robert Keith*, ii, 201. Besides the normal justice administered to thieves and murderers, two witches were burnt.

<sup>36</sup> *Scots Peerage*, ii, 168; Anderson, *Black Patie*, 14. In John's absence, Jean Hepburn pursued the feud anyway - and was unsuccessful.

<sup>37</sup> Lawson & Lyon (edd.), *History of the Affairs of the Church and State in Scotland by Robert Keith*, ii, 202; *ER*, xx, 126; *Scots Peerage*, ii, 168; Pitcairn, R (ed.), *Historical Memoirs*, 67 [where it is misdated to 20 August 1563]; Dilworth, 'Coldingham', 126-7. In November 1563, Mary, queen of Scots, gave a mourning robe to Jean Hepburn, Robertson, J (ed.), *Inventaires de la Royne d'Escoce, Douairiere de France. Catalogue of the Jewels, Dresses, Furniture, Books and Paintings of Mary, Queen of Scots, 1556-1569* (Bannatyne Club, 1863), 73.

<sup>38</sup> Laing (ed.), *Works of John Knox*, ii, 389; Knox, *History*, ii, 84; Calderwood, ii, 222. Erskine of Dun was also permitted entry.

<sup>39</sup> Gore-Brown, *Lord Bothwell*, 136.

<sup>40</sup> Laing (ed.), *Works of John Knox*, ii, 392; Brown, K M, 'In search of the Godly magistrate in reformation Scotland', *Journal of Ecclesiastical History*, xl (1989), 577.

<sup>41</sup> Knox, *History*, ii, 36-7.

old lands of his father's in Teviotdale and the abbey of Melrose'.<sup>42</sup> On 11 January 1562, at Crichton Castle, and in queen Mary's presence, he was the second of the three royal half-brothers to be wed.<sup>43</sup> Once the ceremony was over there was 'much good sport and pastimes'.<sup>44</sup> The couple appear to have had two legitimate children - Francis and Margaret - before John's early death. While the date of Francis's birth is not recorded, it is tempting to speculate that the queen's attendance at Dunbar Castle around Yule 1562/3 was due to the fact that her favourite half-brother (or more correctly, his wife) could not travel to court.<sup>45</sup> Francis Stewart was, most probably, born sometime during the winter of 1562/3, and this would seem to be confirmed two decades later: on 18 October 1583, Bothwell was still signing with curators, and so could not yet have reached twenty-one; however, by 28 December 1583 he was able to issue grants on his own and so must have progressed to manhood.<sup>46</sup>

Francis Stewart was the only legitimate son of John Stewart, lord Darnley and commendator of Coldingham. He had one legitimate sister as well as one half-brother and one half-sister (illegitimate children of his father) and a further three half-brothers and one half-sister (as a result of his mother's second marriage to John, master of Caithness).<sup>47</sup> The naming of a child

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<sup>42</sup> *CSP Scot*, i, no 1035; Lawson & Lyon (edd.), *History of the Church and State in Scotland* by Robert Keith, ii, 99; Chalmers, *Caledonia*, iii, 454; Gore-Brown, *Lord Bothwell*, 135; Anderson, *Robert Stewart*, 202. No trace of the grant now remains and it is known of solely through the correspondence of Thomas Randolph. Although the wording of Randolph's letter would seem to imply the grant was made to Robert Stewart instead of John Stewart, all commentators agree that the context of events makes a grant to John and his new bride more likely. The tithes of Melrose had been the cause of a feud between Bothwell and Arran the previous autumn when both parties raised armed bands to enforce their rights to the lands - Bothwell as feuar and Arran by royal authority, Chalmers, *Caledonia*, iii, 454; Gore-Brown, *Lord Bothwell*, 135.

<sup>43</sup> *CSP Scot*, i, no 1065; Lawson & Lyon (edd.), *History of the Church and State in Scotland* by Robert Keith, ii, 132; Laing (ed.), *Works of John Knox*, ii, 320. Robert Stewart had married a week earlier and James *secundus* was married in February 1562.

<sup>44</sup> *CSP Scot*, i, no 1065.

<sup>45</sup> *ibid.*, no 1157; Furgol, E M, 'The Scottish itinerary of Mary, queen of Scots, 1542-8 and 1561-8', *Proceedings of the Society of Antiquaries of Scotland*, cxvii (1987), 219-32.

<sup>46</sup> SRO, PS1/53, f. 29v; PS1/53, f. 39v; HMC, *Twelfth Report*, app. viii, 163; see also 'An opinion of the present state, faction, religion and power of the nobility of Scotland, 1583', *Bannatyne Miscellany*, i, 62, which states he was not yet past twenty-one.

<sup>47</sup> See Appendix 2.



was very important and, during the sixteenth century, both male and female names came from a canon of around a dozen possibilities each. In the case of males, John, William, James, Alexander, Thomas, Robert and David were consistently the most common; and Andrew, George, Patrick, Henry, Walter, Archibald and Gilbert were also widely used. Other names tended to be either of religious origin - be it Roman: Peter, Stephen, Mathew, Michael; or Celtic: Cuthbert, Mungo, Ninian; or else specific to one family, such as, George Gordon, earl of Huntly or Hugh Montgomery, earl of Eglinton.<sup>48</sup> Against such a background, the choice of Francis might seem unusual.<sup>49</sup> The name was more popular in England and on the continent than it was in Scotland but was shared with the contemporary earl of Errol. The choice of name was not made either of the parents, instead it was made by Mary, queen of Scots - Francis Stewart's godmother and aunt. The choice was made in memory of her first husband, François II. He had died on 5 December 1560, and this would seem another circumstantial piece of evidence which suggests that the date of birth of Francis Stewart occurred in December 1562, the anniversary month of the king's death.<sup>50</sup>

Francis's eldest half-brother, Hercules Stewart, was a prominent and regular member of the earl's household until his death in 1595.<sup>51</sup> Nothing is recorded of his birth and early life

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<sup>48</sup> The statistics are based on the sampling of the index of *RMS*, v. Although there are some deficiencies in the methodology (such as a lack of highland, island or border charters and a lack of non-landed examples), enough can be gathered to see a pattern of names, for example, John is twice as common as the next two names combined. Full statistics: John - 2322, William - 1145, James - 1105, Alexander - 796, Thomas - 785, Robert - 772, David - 547, Andrew - 455, George - 440, Patrick - 348, Henry - 208, Walter - 188, Archibald - 140, Gilbert - 128. Between fifty and 100: Adam, Hugh, Richard, Peter, Duncan, Edward, Donald, Michael; between ten and forty-nine: Nicholl/Nichola(s), Mathew, Ninian, Gavin, Laurence, Arthur, Kentigern/Mungo, Simon, Stephen, Hector, Charles, Cuthbert, Malcolm, Alan, Nigel, Finlay, Mark, Oliver, Francis, Herbert, Martin, Colin, Christopher, Magnus, Dougal; forty-six names are noted in use more than once but less than ten times and forty-one occur only once, see *RMS*, v, pp. 828-1000.

<sup>49</sup> In this period, there were, at least, two other Francis Stewart's prominent in Scotland: Francis Stewart, an illegitimate son of William Stewart, elder (a writer and burgh clerk of Edinburgh) died in 1585, when his goods were gifted to Robert Stewart, an Edinburgh shrieval officer known to the earl Bothwell, SRO, PS1/53 f. 57v; and Francis Stewart, relative of James, earl of Moray, NRA(S) 217/1/30.

<sup>50</sup> Stewart, J K, 'Francis Stewart, earl of Bothwell', *The Stewarts*, v (Stewart Society, 1929), 298.

<sup>51</sup> He must not be confused with another Hercules Stewart who was granted pension of Holywood vicarage in Nithsdale on the decease of Mungo Mcghie, *RSS*, vii, no 2339.

although he may have been named after John Stewart's cousin and factor in Coldingham, Hercules Barclay.<sup>52</sup> Hercules Stewart married Mary Whitelaw, the daughter of Patrick Whitelaw of that ilk but was divorced from her on 17 March 1593.<sup>53</sup> He resided with his half-brother, was a leading functionary in his household,<sup>54</sup> and occasionally acted as his depute in admiralty matters or shrieval duties.<sup>55</sup> Although Hercules was also part of the Bothwell patronage network (granting a pension to John Murray of Blackbaronie from his lands),<sup>56</sup> he was not regarded as a schemer and was considered innocent of complicity in the more complex of Bothwell's plans.<sup>57</sup> Early in 1595, after hiding for a period of time in Caithness, Hercules was betrayed to the authorities by John Colville.<sup>58</sup>

The two daughters of John Stewart are difficult to trace with any certainty. Although it could be argued that both were illegitimate, on the balance of evidence it would appear that at least one, Christian Stewart, was legitimate as she appears to have been brought up within the royal household. In 1568, she was provided, by the regent, with £32 2s 9d worth of material for new clothes, as well as the price of a tailor to make them.<sup>59</sup> A year later, the two children of John, deceased commendator of Coldingham (presumably Francis and Christian) were provided with a further allowance of £37 worth of material.<sup>60</sup> A further grant of £40 worth of clothing was made in 1573 and, from this time, Christian acted as a rocker to the infant James VI.<sup>61</sup> She was still alive in 1579, when summoned before the St Andrews kirk session to answer for

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<sup>52</sup> SRO, GD12/122; GD12/123; GD12/124; GD12/125, GD12/134; Dilworth, 'Coldingham', 127.

<sup>53</sup> SRO, GD1/413/22, b16. She then married William Home, later earl of Dunbar, but was put away for mental instability in 1595, SRO, GD1/413/22, b18.

<sup>54</sup> See *Appendix 8*.

<sup>55</sup> SRO, RD1/37, 404; see below, pages 186, 202.

<sup>56</sup> SRO, RD1/37, 434.

<sup>57</sup> *CSP Scot*, xi, no 470.

<sup>58</sup> Laing, D (ed.), *Original Letters of Mr John Colville, 1582-1603* (Bannatyne Club, 1858), p. xxv; *CBP*, ii, nos 24, 26, 31. See also below, page 418.

<sup>59</sup> *TA*, xii, 112-13.

<sup>60</sup> *TA*, xii, 158.

<sup>61</sup> *ibid.*, 357; HMC, *Mar & Kellie*, i, 18, 19.

being with child while unmarried, but disappears from record thereafter.<sup>62</sup> It is likely that she died shortly afterwards as, in 1589, Mary Sinclair, Francis Stewart's sister uterine, is noted as 'the earl's only sister'.<sup>63</sup> The second daughter of John Stewart, Marjory, was probably illegitimate, however, detailed information on her life is even more scarce than in the case of her sister. It is known that she lived as part of the extended Stewart family and was probably brought up away from court, within the household of her uncle, Robert Stewart, feuar (and later earl) of Orkney. Marjory Stewart married twice, on each occasion to a man from the north of Scotland - firstly, before 1579, William Sinclair of Underhoull and, on his death, William Bruce of Symbister. She died in 1607 in Edinburgh.<sup>64</sup>

Francis Stewart's mother, Jean Hepburn, (the daughter of Patrick, third earl Bothwell) had, when young, received ecclesiastical blessing to be handfasted to Robert Lauder, younger of Bass.<sup>65</sup> Although such a ceremony was effectively a formal betrothal in sixteenth century Scotland, in September 1556 - five weeks after the ceremony - the handfasting was annulled.<sup>66</sup> What, unfortunately, does not survive in any records are the ages of the parties or the reasons for their actions. Jean Hepburn remained unmarried for over five years after the hand-fasting to Robert Lauder but did not remain removed from controversy: in January 1560 she was involved in a 'scandal' in Edinburgh, the details of which, unfortunately, remain unclear.<sup>67</sup> By the time of her marriage to John Stewart, Jean Hepburn had managed to establish for herself a reputation which excited even the vitriolic pen of John Knox.<sup>68</sup> The marriage to John Stewart

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<sup>62</sup> Fleming, D H (ed.), *Register of the Minister, Elders and Deacons of the Christian Congregation of St Andrews*, 2 vols (SHS, 1889-90), i, 435.

<sup>63</sup> HMC, *Marquis of Salisbury*, iii, 446. This is another indication that Marjory Stewart was not known about at court.

<sup>64</sup> SRO, CC8/1/36; Anderson, *Black Patie*, 8, 9, 15, 33; *Scots Peerage*, ii, 160-1; Fleming (ed.), *Register of the Congregation of St Andrews*, i, 435.

<sup>65</sup> Innes, C (ed.), *Carte de Northberwic. Prioratus Cisterciensis B. Marie de Northberwic Munimenta Vetusta que Supersunt* (Bannatyne Club, 1847), 72; *Scots Peerage*, ii, 160; see also Anton, A E, "Handfasting" in Scotland', *SHR*, xxxvii (1958), 89-102.

<sup>66</sup> SRO, RD1/3, 440.

<sup>67</sup> Gore Brown, *Lord Bothwell*, 87-8.

<sup>68</sup> Knox, *History*, ii, 36. Knox considered Jean Hepburn as 'a suitable woman for such a man' as John Stewart.



was to someone of higher social standing than Robert Lauder and it reflected the change in circumstances Jean had undergone. With the death of her father in October 1556, Jean Hepburn had become the heir general of the Bothwell patrimony.

Following the death, in October 1563, of John Stewart, lord Damley, Jean Hepburn married again. On 12 August 1566, she was granted her conjunct fee as the new spouse of John, master of Caithness.<sup>69</sup> John Sinclair's history, and his unfortunate relationship with his father (which ultimately ended in John's murder), cannot have been of great satisfaction to Jean Hepburn.<sup>70</sup> She bore the master of Caithness four children and continued to look after them and their half-siblings at court, where she was a considerable favourite of the queen.<sup>71</sup> She was always aware of her Hepburn heritage, granting an obligation with Nicola Hepburn from Athelstaneford, in 1560;<sup>72</sup> receiving the tack of the barony of Morham some years later (which would appear to have been her terce on marriage);<sup>73</sup> and acting as sole executrix for her mother, Agnes Sinclair, upon her death in 1572.<sup>74</sup>

Francis Stewart's half-siblings, as a result of his mother's second marriage, played a significant rôle in the adult life of the earl. George, the eldest, succeeded as fifth earl of Caithness on the death of his grandfather in 1582. Although tutored by the protestant earl of Gowrie, George Sinclair was noted most of his adult life to be a staunch catholic. He was considered neither powerful nor wealthy and only occasionally took part in the affairs of state.<sup>75</sup> In 1585, he married Jean Gordon, the sister of the sixth earl of Huntly, and that alliance consolidated family authority in the north and removed some of the need for the

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<sup>69</sup> SRO, GD96/113. Jean was granted sasine on 14 September 1566, GD96/144.

<sup>70</sup> *DNB*, lii, 291-2; *Scots Peerage*, ii, 340; Cokayne, *et al* (edd.), *Complete Peerage*, ii, 479.

<sup>71</sup> Robertson (ed.), *Inventaires de la Royne d'Escosse*, 68, 71, 73.

<sup>72</sup> SRO, RD1/3, 408.

<sup>73</sup> *RSS*, vi, no 2146.

<sup>74</sup> SRO, CC8/1/3; 'Letters to Agnes, countess of Bothwell', *Bannatyne Miscellany*, iii, 304. Agnes Sinclair's estate was worth £224 13s 4d and was left to William Hepburn, the illegitimate son of James, fourth earl Bothwell.

<sup>75</sup> Rogers (ed.), *Estimate of the Scottish Nobility*, 15, 51, 77; *CSP Scot*, x, nos 54, 641; *LJC*, 332.

continuing feud between the houses of Caithness and the Gordon earls of Sutherland.<sup>76</sup> In 1589, through the mediation of the earls of Bothwell and Huntly, the feud, temporarily, was ended.<sup>77</sup> Caithness remained a safe haven for the earl Bothwell following his disgrace in 1591, due in a large part to his relationship with the earl.<sup>78</sup>

The two full brothers of George Sinclair - James Sinclair of Murkle, master of Caithness, and John Sinclair of Greenland - also appear only rarely in matters of state. Like their brother, however, they consolidated the family strength in the north of Scotland through their political actions and strategic marriages. James Sinclair married Bothwell's cousin, Elizabeth Stewart, the daughter of Robert, earl of Orkney, and John Sinclair married another northern lady - Janet Sutherland. The three brothers acted jointly in some matters and, in the 1590s, were strong supporters of Francis Stewart.<sup>79</sup>

Bothwell's sister uterine, Mary Sinclair, retained a close relationship with the earl. In December 1587, he took burden for her prior to her marriage to John Home, the son and heir of James Home of Coldenknowis.<sup>80</sup> This marriage was seen by Bothwell as an opportunity to bind one of his firmest Home opponents a little bit closer. While it appears to have worked for a while, by 1589, Coldenknowis reported that, even though his son was married to the earl Bothwell's only sister, that did not mean that he approved of all the earl's operations.<sup>81</sup>

Following the death of her second husband, Jean Hepburn - who must have been fairly wealthy in her own right<sup>82</sup> - married for a third time. Archibald Douglas was, in the words of Hewitt, 'a notorious individual involved in so many dubious enterprises'.<sup>83</sup> A follower of

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<sup>76</sup> *CSP Scot*, x, nos 54, 294, 537; *CSP Scot*, x, app. no 10; Brown, *Bloodfeud*, 49-53; *Scots Peerage*, ii, 340-1; Cokayne, *et al* (edd.), *Complete Peerage*, ii, 479. Bothwell stood caution for Caithness in settlement of another feud (with lord Oliphant), *RPC*, iv, 229, 261.

<sup>77</sup> Fraser, W (ed.), *The Sutherland Book*, 3 vols (Edinburgh, 1892) iii, 164. See also below, page 299.

<sup>78</sup> See also chapter 8.

<sup>79</sup> *NRA(S)* 237, ii, 190; see also below, page 299.

<sup>80</sup> *SRO*, RD1/36, 271. See also Meikle, M M, *Lairds and Gentlemen: a study of landed families of the Eastern Anglo-Scottish Borders c1540-1603* (unpublished Ph.D., Edinburgh, 1988), 508.

<sup>81</sup> *HMC, Marquis of Salisbury*, iii, 446.

<sup>82</sup> *RSS*, vi, 2335; *TA*, xii, 267.

<sup>83</sup> Hewitt, G R, *Scotland under Morton, 1572-1580* (Edinburgh, 1982), 37.

James, fourth earl Bothwell, he was generally believed to have been one of the most prominent of the murderers of king Henry at Kirk o' Field.<sup>84</sup> During the 1570s, he remained in Scotland under the protection of his kinsman, James, regent Morton, with whom he had become associated.<sup>85</sup> Belonging to the family of Douglas of Whittingham, he held the parsonage of Glasgow as well as the prebendary of St Duthac and sub-deanery of Orkney.<sup>86</sup> He married Jean Hepburn sometime before 1580,<sup>87</sup> however, the union cannot have been too successful as Jean was considering petitioning for a divorce by 1581, and also considering marriage to one of the earl of Arran's brothers.<sup>88</sup> After the fall of Morton, Archibald Douglas fled to England where he served as unofficial Scottish ambassador to Elizabeth.<sup>89</sup> As time progressed, James VI began to recognise some value in Douglas and he was, firstly, made official ambassador to England and, then, allowed to return to Scotland for a brief period. Francis Stewart too had a close relationship with his step-father, normally carried on through a lively correspondence but, on occasion, through various suits at court to petition for Douglas's return.<sup>90</sup> Such a relationship meant that Douglas's association with the Scottish administration fluctuated depending on who was in favour at court (although he was particularly disliked by Maitland). Douglas was still a conduit for English communications in the early 1590s, however, by 1594, at the time of his step-son's greatest disgrace, his letters to the Scottish court cease.<sup>91</sup>

Due to the limited number of children born by the wives of the second, third and fourth earls Bothwell, Francis Stewart had even fewer close relations on his mother's side than had the previous earl. Apart from William Hepburn, the illegitimate son of the fourth earl, the only

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<sup>84</sup> Bingham, *Darnley*, 183, 196.

<sup>85</sup> SRO, RD1/14, 426.

<sup>86</sup> Clouston, J S (ed.), *Records of the Earldom of Orkney, 1299-1614* (SHS, 1914), 287-8. Archibald Douglas granted his Orcadian lands to sir Patrick Bellenden, HMC, *Marquis of Salisbury*, iii, 247; Anderson, *Robert Stewart*, 112.

<sup>87</sup> Harvey & Macleod (edd.), *Calendar of Writs at Yester House*, 832; Stewart, J K, 'Archibald Douglas, parson of Glasgow. Renegade and regicide', *The Stewarts*, v (Stewart Society, 1929), 84.

<sup>88</sup> *CBP*, i, no 102.

<sup>89</sup> *ibid.*, no 100.

<sup>90</sup> *CSP Scot*, x, *passim*.

<sup>91</sup> *CBP*, i, pp. xviii-xix.



other relative within two degrees of consanguinity was Margaret Hepburn, an illegitimate daughter of the third earl Bothwell. Margaret Hepburn had married James Durham, the son of Alexander Durham of Mullet, argentar to Mary, queen of Scots, and the regents for her son.<sup>92</sup> In 1580, James Durham was appointed argentar and pursemaster for James VI in succession to his father and he continued to receive patronage from the crown throughout the 1580s (culminating with a grant as chamberlain and bailie of Linlithgow in August 1588).<sup>93</sup> Association with Francis Stewart was long-term and, in the late 1580s, James Durham received a grant of the lands of Duntarvy (previously held by Robert Hepburn, one of Francis Stewart's household officials). In 1589, James Durham was appointed administrator of Coldingham for Bothwell's son and, in January 1592, he suffered imprisonment for his association with the earl.<sup>94</sup> While it would be dangerous to assume too much from such a scarcity of evidence, the importance of James Durham's connections at court and his ability to provide financial services would have ensured that he was a highly significant contact for his nephew-by-marriage, Francis Stewart.

On the death of his father, John, lord Damley, Francis Stewart inherited little that was tangible. Admittedly he had the Stewart name and the affection of the queen but, for an infant of a few months old, a great deal of his future was dependent on prevailing Scottish political circumstances and how his patrimony survived until he reached adulthood. In October 1563, Francis Stewart's mother was the sister of an exile and the prospects for her children could best be described as mixed.

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<sup>92</sup> SRO, GD1/54/5. See *Appendix 2*.

<sup>93</sup> RSS, vii, nos 2390, 2665; SRO, PS1/58, f. 2v. In 1581, he was promised Siennes Nunnery in Edinburgh on the death of Christian Bellenden, then prioress, SRO, RH6/2587. He was also comptroller depute and clerk of expenses of the royal household, *Scots Peerage*, ii, 161.

<sup>94</sup> RPC, iv, 515; CSP Scot, xi, no 648.

John Stewart had been highly rewarded in terms of court favour but relatively poorly recognised in terms of lands and wealth. He possessed one ecclesiastical benefice and two lordships. While it was not unusual for the commendatorship of a benefice to pass from one generation of a family to another, such transfer was far from being automatic - especially when the heir was so young.<sup>95</sup> Unlike the ecclesiastical benefice, the temporal land-holdings - the lordships of Darnley and Enzie - could translate from one generation to the next without much difficulty. As Francis Stewart was John's only legitimate son, his right to inherit the title could not be challenged (although he would not be able to enjoy the full benefit of the lands until he attained his majority and was served heir). Nevertheless, as both lordships formed prominent parts of traditional comital holdings (the earldoms of Lennox and Huntly respectively) and had been in the possession of John Stewart only while the relevant earls were forfeit, such a form of inheritance was highly unlikely.<sup>96</sup> Initially, however, such concerns seemed a distant problem: on 6 March 1564, Mary formally recognised the legal claims of Francis Stewart, now lord Darnley. The queen ratified to him the lordship of Enzie, the forest of Boyne, the castle of Bog o' Gight, and other pertinents which had belonged to George Gordon, earl of Huntly and John Gordon of Deskford, his son.<sup>97</sup> In addition, the queen ratified the lands which comprised the lordship of Darnley: the baronies of Darnley, Cruikston, Inchinnan, Neilston and Dormontside. [See Map 4] In each case, the grant included provision for Jean Hepburn, Francis Stewart's mother, to hold the lands in liferent until Francis reached twenty-one. Were Francis to die, the lands were to be inherited by his uncle, James, earl of Moray.<sup>98</sup>

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<sup>95</sup> Dilworth, 'Commendator system', 61-5.

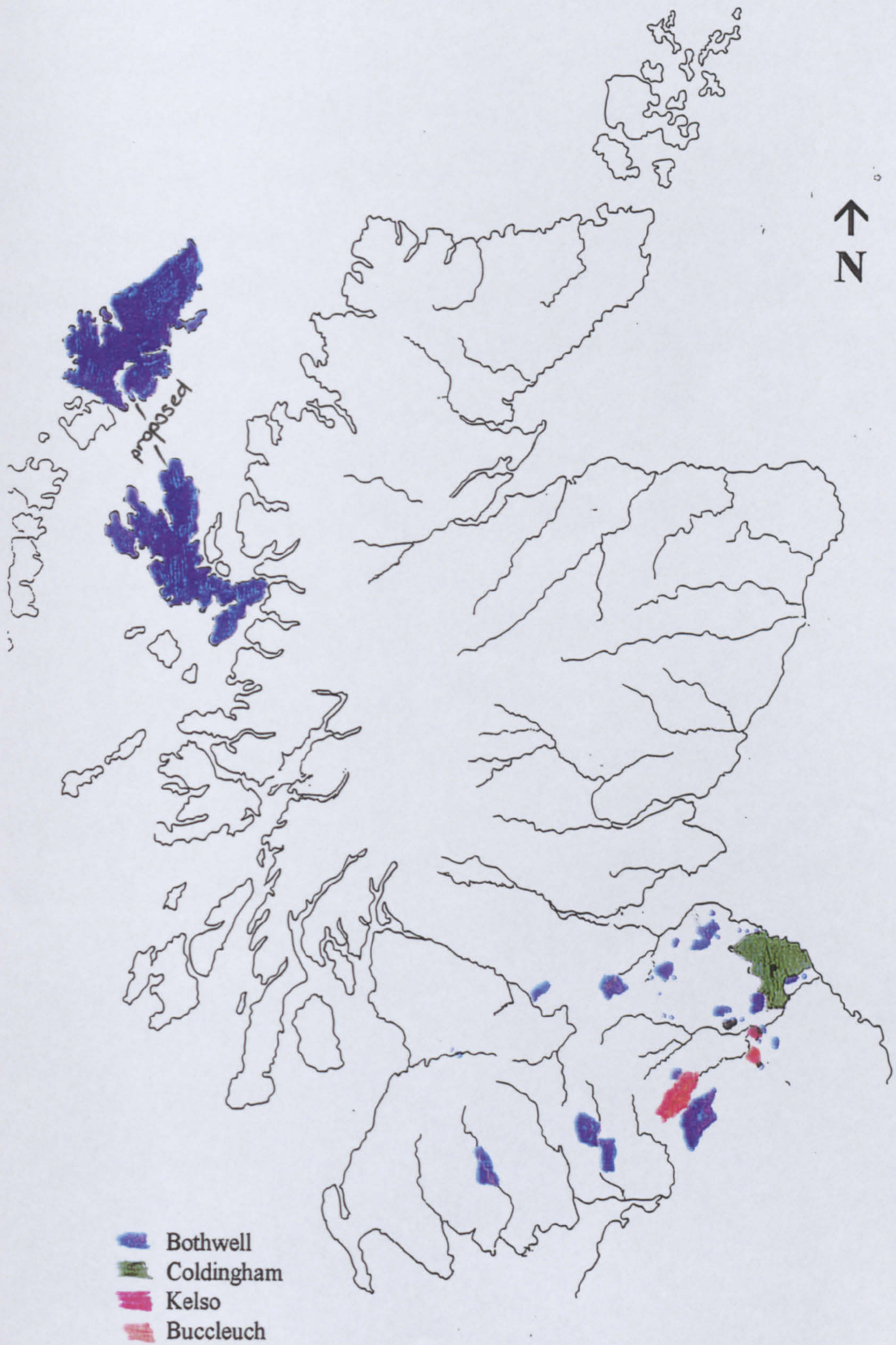
<sup>96</sup> Mathew Stewart, fourth earl of Lennox had been forfeited for treason in 1545 and, since that time, had lived in England with his family, *Scots Peerage*, v, 353. George Gordon, fifth earl of Huntly, had been convicted of treason on 8 February 1563, *ibid.*, iv, 540.

<sup>97</sup> RSS, v, no 1630. The wardship of the lands of Enzie and Boyne had previously been acquired by Alexander Hay (later clerk register to James VI), *ibid.*, no 1552.

<sup>98</sup> *ibid.*, no 1631. The baronies of Darnley and Dormontside are not specifically mentioned but were resigned at the same time as the others.



*Lands administered by Francis, earl Bothwell, and Margaret Douglas*





Francis Stewart and Jean Hepburn possessed the lands of Darnley for only nine months following their regrant. During the summer of 1564, Mary began negotiations with Mathew, fourth earl of Lennox, to allow his rehabilitation and return to Scotland.<sup>99</sup> Lennox was alleged to have attempted to get himself appointed to the office of tutor of Francis Stewart and, similarly, to have interfered with the rents and duties payable from the Darnley lands to Jean Hepburn in a way 'contrary to reason and justice'.<sup>100</sup> On 4 October 1564, Mathew was restored to the earldom of Lennox, however, it was not until 9 December that he was restored to the lordship of Darnley (which was then held as a courtesy style by his son, Henry). Between times, Mary had promised to invest Francis in 'some other thing as good as he had by his father',<sup>101</sup> and on 7 December (the day Francis Stewart had 'resigned' the lordship of Darnley) he received the lordship of Badenoch as compensation for the loss. The lordship of Badenoch, which was traditionally another part of the Huntly earldom, was again to be held in liferent by his mother.<sup>102</sup> Within a month, a nineteen-year tack of the lordship of Lochaber (also part of the Huntly earldom) was added to the previous grant and Francis Stewart assumed the style 'lord of Badenoch and Lochaber'.<sup>103</sup>

The loss of the lordship of Darnley was further compensated, in February 1565, by a provision of a pension of £666 13s 4d to Francis Stewart from the fruits of the priory of Coldingham.<sup>104</sup> Coldingham had been leased, for five years, to John Spens of Condry, the queen's advocate and *æconomus* of the priory, however, the granting of the pension could be

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<sup>99</sup> HMC, *Third Report*, 394.

<sup>100</sup> Pitcairn, R (ed.), *Memorials of Transactions in Scotland, A.D. MDLXLX-MDLXXIII*. By Richard Bannatyne, Secretary to John Knox (Bannatyne Club, 1836), 353-6. Lennox denied both allegations.

<sup>101</sup> *CSP Scot*, ii, no 112.

<sup>102</sup> *RSS*, v, no 1851. The lands of Drumnachtane and Dowroglas, along with the castle of Ruthven and the right of presentation to local kirks was also included in the grant. In March 1565, Francis Stewart also received the escheat of a letter of tack by George Duff, vicar of Ruthven, to the earl of Huntly, *ibid.*, no 1971.

<sup>103</sup> *RSS*, v, no 1887; Stevenson, J H, & Wood, M (edd.), *Scottish Heraldic Seals*, 3 vols (Glasgow, 1940), iii, 607. Previous to the grant of Lochaber, he had been styled 'lord of Badenoch and Enzie', Laing (ed.), *Ancient Scottish Seals*, ii, 156.

<sup>104</sup> *RSS*, v, no 3431.

viewed as a recognition, by the monarch, of the quasi-hereditary claim of Francis Stewart to the benefice.<sup>105</sup> Later in the year, Francis was granted the commend of the priory (reserving the rights of Spens) with full powers to appoint clergy and uplift dues.<sup>106</sup> While commendator, it is possible that Francis Stewart retained the rights to the £400 pension granted to his father from the bishopric of Orkney.<sup>107</sup>

The lordship of Badenoch cannot have been viewed as a successful acquisition within months of its initial grant. Although George Gordon, fifth earl of Huntly, was not formally restored to his full title until 1567, on 20 March 1565 he was appointed chancellor of the realm and this gave a strong indication that the political situation had changed. For an unrecorded reason, on 30 October 1565, the tack of Lochaber was revoked and, nine months later, the lordship of Badenoch, too, was removed from Francis Stewart following a resignation, on his behalf, by his tutors. It was regranted to its traditional possessor, the earl of Huntly.<sup>108</sup>

The removal of Francis Stewart from the north was not a complete reversal of Mary's earlier policy of placing trusted relatives in sensitive areas. During the period of his lordship, the tutors of Francis Stewart had granted a fourteen-year tack of Badenoch to James, earl of Moray. In return, Jean Hepburn, lady Badenoch, had received the duties of the lordship which, for the Martinmas term in 1564, amounted to £266 13s 4d.<sup>109</sup> Such patronage marked a radical departure from the normal casualty holding in Badenoch and represented a threat to

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<sup>105</sup> John Spens of Condry also had been granted a pension of £13 8d from John, commendator of Coldingham, from the teinds of Reidpeth and Fawnis in Ersiltoun, Berwickshire, *RSS*, v, no 1770.

<sup>106</sup> *ibid.*, no 2182.

<sup>107</sup> Kirk (ed.), *Books of Assumption*, 659. If the rental, signed by Tulliebardine (comptroller, 1565-82) is contemporaneous with the signature then the rental must relate to Francis Stewart or one of the later commendators (Maitland or Home). However, if the rental relates to the period prior to October 1563, and was only signed by Tulliebardine during his period of office, then the pension referred to may still relate to the final years of commendatorship of John Stewart, Francis's father. From internal evidence, it is impossible to determine a more accurate date.

<sup>108</sup> *RMS*, iv, no 1733; *RSS*, vi, no 2753. Huntly continued to style himself lord of Badenoch during his forfeiture, see *SRO*, RD1/8, 279.

<sup>109</sup> *NRA(S)* 217/2/65. In 1580, the obligations from the tack was transferred to Elizabeth Stewart, countess of Moray, and Margaret Stewart, countess of Argyll, her sister, *SRO*, RD1/18, 181. The tack had been approximately fourteen years as it was to pertain until Francis Stewart had reached sixteen years complete, *NRA(S)* 217/2/61. See also, *NRA(S)* 217/2/79; 217/3/152; *SRO*, RD1/8, 33.

Huntly when he recovered the property. It was out-of-keeping with how the curators of Francis Stewart had operated in Enzie: as far as is recorded, there they had confirmed grants to sitting tenants or their heirs.<sup>110</sup>

In April 1566, to compensate Francis for the loss of Enzie, he was granted a tack of twenty-eight chalders of victual (worth £240) from the lordships of Aberdour and Dalkeith. These lands were in the possession of the crown because James Douglas, fourth earl of Morton, was then at the horn for not appearing before the council. Francis, and Peter Dishington, his factor and chamberlain, were granted full power to gather the rents but a complete account had to be rendered to John Spens of Condry, their majesties' advocate, and the tack was to be held only until the king and queen could find a suitable lordship or benefice with which to provide Francis.<sup>111</sup> Four days earlier, George, earl of Huntly, had entered into a contract with Dishington in which he obliged himself to deliver any teinds of duties from Enzie still due to Francis Stewart.<sup>112</sup> Despite the rapid acquisition and then loss of lands and annuities, Francis Stewart could be considered in favour with the queen. Notwithstanding his age, he was a significant beneficiary in Mary's draft wills of 1565 and 1566, often simply appearing as '*mon nepheu*'.<sup>113</sup>

While there is little concrete evidence, it is highly probable that the infancy of Francis Stewart was spent at court. In January 1565, Mary, queen of Scots, had had herself appointed Francis's tutrix dative (which she remained until the appointment of James Hepburn sixteen months later).<sup>114</sup> In February 1567, Francis Stewart was proposed as commendator of Kelso

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<sup>110</sup> RSS, v, nos 1595, 1597, 1610, 1622, 1629, 1648, 1759, 1994, 2201.

<sup>111</sup> *ibid.*, no 2753.

<sup>112</sup> SRO, RD1/8, 286.

<sup>113</sup> Robertson (ed.), *Inventaires de la Roynie d'Escosse*, 110, 111, 112, 114, 123.

<sup>114</sup> CSP Scot, ii, no 135. See also page 111-2. Two sources assert the queen was already tutrix testamentar (having been so provided in John's will), SRO, CS7/38, f. 372v; Pitcairn (ed.), *Memorials by Richard Bannatyne*, 353. Mary's annual autumn tour in 1566 took in Jedburgh, Hermitage, Kelso, Eyemouth, Coldingham and Dunbar - all important sites to Francis Stewart in later life, Breeze, D J, *A Queen's Progress* (Edinburgh, 1987), 65-7; McNeill, P G B, & MacQueen, H L (edd.), *Atlas of Scottish History to 1707* (Edinburgh, 1996), 132.



and of Culross in order to compensate him for his loss of lordships in the north. In order to acquire the benefices, he was required to surrender Coldingham to the crown.<sup>115</sup> The grant of Kelso included 'the rights of patronage and gift and all profits, emoluments and duties...since the order was taken anent the thirds of benefices'.<sup>116</sup> The grant of the commend of Culross proved ineffective and has been the cause of considerable debate. Two days prior to the grant, the same commend had been granted under the privy seal to Alexander Colville, the nephew of the two previous commendators of Culross. McRoberts has suggested two possibilities as to why such confusion should arise - firstly, that Colville was appointed and then, almost immediately, deprived for his extreme protestantism; or secondly, that the government was disorganised following the death of Henry, king of Scots.<sup>117</sup> One further possibility, however, must be considered - that two different institutions appointed to the same benefice. Mary had recently been in Glasgow, supervising the return of her husband to Edinburgh. On the death of William Colville (the previous commendator) she may have indicated that Francis Stewart should succeed. It may be, however, that previous provision had already been made for Alexander Colville to succeed and this was subsequently recognised to be valid.

The recorded holding of Culross Abbey is complex: William Colville (commendator 1531-67) had, in 1536, resigned the abbacy in favour of his son, John Colville (commendator 1536-c1551). Despite this, William retained the fruits of the abbey and continued to grant charters in which he was designated '*commendatarius seu usufructarius monasterii de Culros*'.<sup>118</sup> Alexander Colville (commendator 1567-97) seems to have done likewise in 1581, resigning the abbacy to his son, John (commendator 1581-7). Alexander retained some rights to the

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<sup>115</sup> SRO, CS7/38, ff. 372v-373r. The commend of Coldingham was granted to John Maitland, the brother of secretary Maitland of Lethington and future chancellor.

<sup>116</sup> RSS, v, no 3245. At the time of the grant, the thirds of Kelso had never been paid to the exchequer due to the abbey's situation on the border.

<sup>117</sup> McRoberts, D, 'Culross in the diocese of Dunblane', *Transactions of the Friends of Dunblane Cathedral*, x (1969), 96-8.

<sup>118</sup> RMS, ii, no 1923.

abbey and continued to use the style of commendator and sit in parliament even after the lands of Culross were erected into a temporal lordship for his nephew, James Colville of East Wemyss in 1589.<sup>119</sup> In 1587, Alexander Colville, resigned all his rights to any fruits from Culross - at which time, Francis, earl Bothwell, was again associated with them.<sup>120</sup> As a result of the fact that Kelso was burdened with outgoing pensions worth £4,606 13s 4d and, perhaps, as part compensation for the confusion over Culross, two months later, Francis Stewart was granted the royal thirds of Coldingham, Kelso and Lesmahagow to supplement his income as long as the kirks of the relevant benefices were maintained .<sup>121</sup>

On 10 May 1567, the day on which Mary and James, earl Bothwell, were married by protestant rites, the queen wrote a letter to the pope, Pius V, confirming her strong adherence to catholicism and requesting that he provide her nephew, Francis, to the abbey of Kelso.<sup>122</sup> Apart from the formal request for papal ratification of the previous grant, the royal marriage can have had little real effect on Francis Stewart. Although Mary was now his aunt by blood and through marriage, the queen's pressing political problems meant that there was little time for royal patronage or instruction. The same could not be said following the queen's deposition and Bothwell's banishment, however. By these acts, Francis Stewart was deprived of the two most powerful people who would have been expected to influence his future career and prospects. Francis Stewart remained in the exiled queen's thoughts, however, and when Mary was drafting one of her wills, in February 1578, she requested that her son, James, befriend her nephew and endow him with the heritage of the earldom of Bothwell.<sup>123</sup>

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<sup>119</sup> *RMS*, v, no 1675.

<sup>120</sup> *SRO*, PS1/56, f. 33v.

<sup>121</sup> *RSS*, v, no 3424. It is claimed the money was never paid, *HMC, Fourteenth Report*, app. iii, 94.

<sup>122</sup> *RPC*, xiv, pp. lxxii, 272-3. As James Hepburn would have enjoyed the revenues of Kelso until Francis Stewart came of age, Masson logically suggests that the grant was a wedding gift from the queen to the fourth earl.

<sup>123</sup> Labanoff (ed.), *Letters of Marie Stuart*, iv, 361; Fraser (ed.), *The Lennox*, i, 421.

The assumption of the regency by James Stewart, earl of Moray (and Francis's uncle), guaranteed that any changes in fortune would not be immediate, however. Moray, who is normally viewed as a strong and successful regent, nonetheless had to assure himself of noble support in the aftermath of the deposition of the queen. The land-holdings and offices of James, earl Bothwell, were declared forfeit and liberally distributed as rewards.<sup>124</sup> James, fourth earl of Morton, received the lucrative office of admiral, as well as the sheriffships of Edinburgh and Haddington. Moray also took the opportunity of the exile of Francis Stewart's tutor to aggrandise his own estates at the expense of his nephew: in 1569, he secured the feu town and lands of Kelso in return for £4,000.<sup>125</sup> The regent then granted Kelso back to Francis Stewart by means of a nineteen year tack and entered an obligation not to alienate any of the lands of the abbey.<sup>126</sup> While such grants limited Francis Stewart's heritable property, they were only part of the elaborate family relationships between the regent and the nearest male relative of the disgraced fourth earl Bothwell. On 20 December 1567, Francis Stewart had been granted the lordships of Hailes, Crichton and Bothwell. The right to all reversions, acts, contracts, obligations or promises made to James, earl Bothwell, Patrick, his father, or their predecessors, were confirmed along with the grant on 10 January 1568. In spite of the fact that Francis Stewart represented a change of line, and was only heir to James, earl Bothwell, through the female line, the charter recognised his split heritage and sought to use it to bind the Bothwell earldom closer to the crown.<sup>127</sup>

The evidence for Francis Stewart's movements and lifestyle between 1568 and 1578 is slight and circumstantial. In line with the 1496 Education Act, as a nobleman's heir he was expected

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<sup>124</sup> See above pages 97-8. In Moray's records are held accounts and receipts from the forfeited estates of the fourth earl, HMC, *Sixth Report*, 640.

<sup>125</sup> RMS, iv, no 1905; Kirk (ed.), *Books of Assumption*, 223. Moray had previously administered border justice and convened the privy council in Kelso, *Diurnal*, 150; RPC, ii, 34, 35, 40, 52, 73; Lee, *James Stewart*, 269.

<sup>126</sup> NRA(S) 217/1/119; 217/1/119b. At least some of the obligations were not met, as Dishington had to pursue the heirs of the earl for debts owed, *ibid.*, 217/4/151.

<sup>127</sup> SRO, GD224/890/21/2; RSS, vi, nos 97, 98.



to attend grammar school and perfect his Latin. How effective this act was in individual cases is unclear, however, Francis Stewart certainly was educated to a standard where, in later life, he could swap 'tags' with James VI, his monarch.<sup>128</sup> A number of possibilities can be suggested as to where Francis Stewart was educated: firstly, and most intriguingly, Francis Stewart could have been treated by the Jacobean regents as a form of 'royal ward'. While Francis is never mentioned as a schoolmate of James VI, he did receive patronage from the regents Moray, Lennox and Morton and may have been an early student within the royal schoolhouse at Stirling Castle. Secondly, Francis may have been educated in the household of his mother's second husband - John, master of Caithness. This is, perhaps, the least likely option as Francis's half-brother, George (later fifth earl of Caithness), is known to have been educated in the household of the earl of Gowrie.<sup>129</sup> Thirdly, the earl of Morton, who was Francis Stewart's tutor dative and administrator in the 1570s may have taken responsibility for his education earlier than the first definitive evidence.<sup>130</sup> Finally, either through Morton's influence or otherwise, Francis Stewart may have been placed in a noble household to acquire the relevant skills. When Francis Stewart went to the continent, in 1578, he was closely associated with the company of James Lindsay, brother of the earl of Crawford, but also may have had the company of Robert Douglas, younger of Lochleven, or James Colville of East Wemyss as his governor. How long-standing such relationships had existed is uncertain.<sup>131</sup>

Between 1572 and 1578, Francis Stewart is recorded in St Andrews.<sup>132</sup> Archibald Douglas, Jean Hepburn's third husband, had a house there but, more interestingly, some of the documents granted by Francis Stewart were witnessed by Robert Wilkie, a regent in St

<sup>128</sup> For Latin usage, see *CSP Scot*, vii, no 667; for discussion of act, see MacDougall, *James IV*, 174-5.

<sup>129</sup> *Scots Peerage*, ii, 340.

<sup>130</sup> For example, the confirmation of Francis Stewart's lordships in January 1568 (see note 127 above) was witnessed by the earl of Morton although not by the regent and a document, dated from Hailes in June 1568 called Francis Stewart 'of the blood of James, earl of Morton', SRO, GD224/890/21/3.

<sup>131</sup> NRA(S) 237, ii, 177.

<sup>132</sup> HMC, *Sixth Report*, 657; *Laing Charters*, nos 868, 934.

Leonard's College in St Andrews. St Leonard's College had been founded, in 1512, by John Hepburn, prior of St Andrews, and brother of the first earl Bothwell.<sup>133</sup> The second and third earls had received some of their education in the town and Francis Stewart's two eldest sons - Francis and John - were educated at St Andrews in the 1590s.<sup>134</sup> Francis Stewart does not appear on any of the early matriculation rolls of the university<sup>135</sup> but if Robert Wilkie, did play some rôle in the education of the future earl, it would be interesting to know the extent of their relationship. Wilkie went on to be minister of St Andrews, principal of St Leonard's College, and moderator of the synod of Fife - another useful figure for the earl to know.<sup>136</sup>

While in St Andrews, Francis Stewart continued to grant gifts and pensions from Kelso Abbey. Considering his youth, these grants were always approved by the administrator and convent of the abbey. In fact, the input of Francis Stewart into the administration of Kelso abbey between 1566 and 1582 must have been minimal, regardless of the number of times his name appears on charters. During Francis's minority, four separate administrators are recorded for Kelso. The first, Alexander Aitken, was a reformed priest and sub-prior of Dunfermline. He was succeeded, in May 1569, by William Lumsden, parson of Cleish and chantor of Dunfermline. Lumsden, a member of the family of Lumsden of Airdrie, administered the abbey for four years whereupon he resigned and was succeeded by John Bellenden of Auchnoull, the justice clerk.<sup>137</sup>

The appointment of Auchnoull represented a departure from viewing Kelso purely as an ecclesiastical foundation; during the regency of Morton, Kelso was to be seen as a going

<sup>133</sup> Geddes & Duguid (edd.), *Lacunar Basilicæ Sancti Macarii Aberdonensis*, 65.

<sup>134</sup> *CSP Scot*, x, no 769.

<sup>135</sup> For discussion of early matriculation rolls of St Andrews University, see Anderson (ed.), *Early Records of the University of St Andrews*, pp. ix-xx; Cowan, H, 'When was John Knox born?', *RSCHS*, i (1926), 220.

<sup>136</sup> Calderwood, v, 127; Shaw, D, 'The inauguration of ministers in Scotland', *RSCHS* (1970), 55.

<sup>137</sup> *SRO*, CS7/43, f. 97v; *RPC*, ii, 293; *RSS*, vi, nos 616, 2169, 2806; *Laing Charters*, no 883. Bellenden held a chest of documents relative to the lands and titles of Francis, earl Bothwell, although Peter Dishington, the chamberlain of Kelso, held the key. Following Bellenden's death, the chest was instructed to be produced before the privy council whereupon it was acquired by James, regent Morton. The key remained with Dishington, *RPC*, ii, 580.

concern for the central government and was to be administered by an Edinburgh lawyer for the benefit of interests other than the remaining Kelso monks. Some of the grants made under the administration of Auchnoull demonstrate clearly who was to benefit from the abbey lands of Kelso: three were to the family of Ker of Cesford - significant figures in the middle march as wardens (and also hereditary bailies of Kelso Abbey); one was to William Home, the son of Home of Coldenknowis - another crucial mainstay of the regent's border policy; a further grant of a feu was given to George Douglas, the brother of Archibald Douglas of Friarshaw; and a final grant was to David Collace of Auchinfarslie, a curator of Francis Stewart and the effective administrator of the abbey lands of Lesmahagow (a dependent cell of Kelso, in Lanarkshire).<sup>138</sup>

Following Auchnoull's death, Morton appointed Alexander Hay, another Edinburgh lawyer (and future clerk register) to administer the abbey.<sup>139</sup> The grants under Hay followed a similar pattern to those under Auchnoull and served a number of purposes. While some grants were to existing tenants or benefice officials, others were to prominent border families and two were obvious acts of patronage to supporters of the government - Mr John Kene, an Edinburgh writer, and close associate of Morton (and later, Bothwell) received lands of the abbey and John Stewart, the son of the constable of Stirling Castle, received an annual pension worth approximately £66 13s 4d.<sup>140</sup>

On 30 June 1578, Francis Stewart, earl of Bothwell, was given permission to travel abroad to study.<sup>141</sup> This is a highly significant document, not for the rights it conveyed but for the

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<sup>138</sup> SRO, E14/2/74, E14/2/288; RSS, vi, 945; RMS, iv, nos 1966, 2652; v, no 229; *Laing Charters*, nos 857, 934. The family of Collace of Auchinfarslie also had links with St Leonard's College in St Andrews, Kirk, J, "Melvillian" reform in the Scottish universities', *The Renaissance in Scotland*, edd. A A MacDonald, M Lynch and I B Cowan (Leiden, 1994), 294. They remained close to the earl until his period of disgrace, SRO, RD1/31, 51.

<sup>139</sup> RSS, vii, no 1066.

<sup>140</sup> RSS, vii, no 1874; viii, no 1374. Francis Stewart, nominally, assented to the grants (although he did not always sign the pertinent documents), SRO, RH6/2160.

<sup>141</sup> SRO, PS1/45, f. 113r; RSS, vii, no 1575.



style of address it used. Secondary commentators are split over when Francis Stewart officially became ennobled as earl Bothwell. Some, headed by the *Dictionary of National Biography*, quote 29 July 1576 as the date of ennoblement.<sup>142</sup> Other commentators, notably *The Scots Peerage* and *Complete Peerage*, argue that Francis Stewart did not become earl Bothwell until his title was granted *de novo* under the great seal on 2 June 1581.<sup>143</sup> Both theories have their problems: in the case of the former, the evidence for the claim has never been cited;<sup>144</sup> and, in the case of the latter, Francis Stewart styled himself 'earl Bothwell' in all extant recorded documents (dealing with temporal land-holdings) between 1578-81.<sup>145</sup>

On the balance of evidence, it would appear that both dates of ennoblement are inaccurate. An actual date of ennoblement of spring 1578 has several attractions: firstly, around this time, official confirmation of the death of James, fourth earl Bothwell, must have arrived at the Scottish court (he died in April 1578);<sup>146</sup> secondly, the official grant could have co-incided with Francis Stewart's intention to travel abroad - to travel on the continent as an earl would imply greater dignity than merely as a lord; thirdly, documentary evidence and seals would seem to indicate that, prior to 1578, Francis Stewart styled himself merely 'lord Crichton and Hailes' (or occasionally 'lord Hailes') - a courtesy style, as heir, similar to lord Damley.<sup>147</sup>

On 10 May 1578, a boy was paid to pass with letters from the lords of council to Francis, earl Bothwell - the first time he appears so styled in official documents;<sup>148</sup> and, the same month, an English commentator noted him so styled (and politically 'biencontent') in a report

<sup>142</sup> DNB, xxvi, 141; Anderson, W, *The Scottish Nation; or the Surnames, Families, Literature and Honours and Biographical History of the People of Scotland*, 3 vols (London, 1864), i, 357.

<sup>143</sup> RMS, v, no 218. The grant was ratified in parliament the following October, APS, iii, 255-9. The latest date given for ennoblement is 1587, Dickinson, W C, & Duncan, A A M, *Scotland from the Earliest Times until 1603* (Oxford, 1977), 378; RPC, xiv, p. lxxii.

<sup>144</sup> It is, perhaps, highly significant that the re-grant of the earldom in 1587 is dated 29 July.

<sup>145</sup> See Appendix 3.

<sup>146</sup> James Hepburn had been reported dead throughout the mid 1570s, RMS, iv, no 2696; CSP Scot, v, nos 188, 285. See above, page 96.

<sup>147</sup> RPC, ii, 580. Traditionally, the heir to the earldom had been styled 'Master of Hailes'. For discussion of courtesy titles see, Cokayne, *et al* (edd.), *Complete Peerage*, iv, 580-2.

<sup>148</sup> TA, xiii, 205-6.

to London.<sup>149</sup> On 20 May, letters were published at the mercat crosses of Jedburgh and Selkirk that all lieges within specific bounds should concur, fortify and assist Francis, earl Bothwell, in his keeping of Liddesdale.<sup>150</sup> As Francis Stewart had adopted the style 'lord of Liddesdale' only when he assumed the style 'earl Bothwell', there would seem strong confirmation that in early May 1578 Francis Stewart accepted new responsibilities and new styles of address. From 1578 until 1581, Francis Stewart's documents are styled in the same form as his predecessors - 'earl Bothwell, lord Crichton, Hailes and Liddesdale' (although not 'great admiral of Scotland' as the earl of Morton still retained this office).<sup>151</sup> This would seem to indicate that, despite subsequent comment, Francis Stewart had no right to the earldom by blood. Consequently, it may also have been the obvious time for the earl to have changed his coat of arms from a lion rampant bruised to the quartered arms of Hepburn, earls Bothwell.<sup>152</sup>

Around 1578, Francis Stewart underwent another significant change to his life - he got married. Although the date of the wedding is not recorded, it would appear to have taken place before the earl left for the continent.<sup>153</sup> Francis Stewart's new wife was Margaret Douglas, the eldest daughter of David, seventh earl of Angus, and Margaret Hamilton (the niece of James, duc de Châtellherault).<sup>154</sup> She had been under the curatorship of Francis Stewart's tutor, the regent Morton (her uncle), was a significant number of years older than Francis and was

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<sup>149</sup> *CSP Scot*, v, no 349.

<sup>150</sup> *TA*, xiii, 209.

<sup>151</sup> See *Appendix 3*.

<sup>152</sup> Stevenson & Wood (edd.), *Scottish Heraldic Seals*, iii, 607; Clark, J T (ed.), *Genealogical Collections concerning Families in Scotland by Walter Macfarlane, 1750-1751*, 2 vols (SHS, 1900), ii, 383. Bothwell, himself, considered the earldom to have been heritable, Calderwood, viii, 292. The first recorded use, by Francis Stewart, of the Hepburn seal is in March 1579, SRO, RH6/2506.

<sup>153</sup> Miller, J (ed.), *Davidis Humii de Familia Humia Wedderburnensi Liber* (Abbotsford Club, 1839), 70. On at least two occasions, Margaret Douglas is referred to as countess of Bothwell while the earl was on the continent and prior to the *de novo* grant of earldom on 2 June 1581: in 1580, Fraser (ed.), *Buccleuch*, i, 165-7; in 1581, SRO, RD1/19, 292. The fact that, later in his life, Francis Stewart appeared as 'feuar of Kelso' might suggest that he had had to grant his wife lands pertaining to Kelso as her terce, that is, before his grant of earldom, see *Appendix 3*.

<sup>154</sup> Maxwell, H, *History of House of Douglas*, 2 vols (London, 1902), i, 296. David Douglas and Margaret Hamilton were contracted to be married in May 1552, and this (in conjunction with Margaret's own marriage date) would suggest a likely date of birth for Margaret Douglas of 1553x4.

already a wealthy widow.<sup>155</sup> Sometime between 1568 and 1571, she had married sir Walter Scott of Branxholm (and Buccleuch) 'one of the most reckless and turbulent [men] of that period',<sup>156</sup> and, by 1574, had borne him one son and two daughters.<sup>157</sup> The tutory of Walter Scott, the only son of the relationship, was assumed, firstly, by James Douglas, regent Morton, and, following his disgrace, by his uncle, Archibald Douglas, eighth earl of Angus (along with the John Cranston of that ilk and John Johnston of that ilk - it is unclear who was responsible for Walter Scott when Angus was in disgrace).<sup>158</sup> The Scott heritage, however, remained strongly linked with Margaret Douglas and her second husband. As her conjunct-fee, Margaret had received the liferent of the barony of Eckford (with the lands of Grimslaw in Mosshouses, Langtoun, Mylnesington, Elrig in Branxholm) in Roxburghshire and the barony of Kirkurd in Peebles-shire, reportedly worth £14,666 13s 4d a year.<sup>159</sup> [See Map 4] On Scott of Branxholm's death, in 1574, Margaret Douglas also received the ward and non-entry of the heritage of her deceased husband as well as the rights to his debts and the grant of all the Buccleuch lands until her son came of age.<sup>160</sup> Until that time, Margaret Douglas defended the rights of her family, secured additional tacks of land, and extended her regional power-base by making a bond with Mr John Sandilands, parson and vicar of Hawick.<sup>161</sup>

<sup>155</sup> SRO, RD1/14, 191. Bothwell, reportedly, achieved 'great wealth' through his wife, 'An opinion of the nobility of Scotland, 1583', *Bannatyne Miscellany*, i, 62.

<sup>156</sup> Maxwell, *House of Douglas*, i, 297.

<sup>157</sup> RSS, vi, nos 1075, 1076. The marriage contract had been drawn up in January 1568 when both parties were under age, SRO, CS7/42, f. 22v. Fraser, erroneously, claims the marriage took place in 1564, and the later date for the marriage throws considerable doubt on the accepted date of birth of the only son of the relationship, Walter Scott (later first lord of Buccleuch) normally cited as 1565, Fraser (ed.), *Buccleuch*, i, 146; *Scots Peerage*, ii, 232-3.

<sup>158</sup> SRO, RD1/14, 191; RD1/15, 353; CS7/42, ff. 37v, 54v; CS7/50, f. 211v; *Scots Peerage*, ii, 233. Morton was tutor testamentar, that is, named in the will of sir Walter Scott of Branxholm, SRO, RD1/14, 325. The gift of marriage of Walter Scott of Buccleuch was also purchased by Angus, RSS, vi, no 2544.

<sup>159</sup> RMS, iv, no 2351; Fraser (ed.), *Buccleuch*, i, 146, 159; ii, 242-6.

<sup>160</sup> RSS, vi, nos 2541, 2543; Fraser (ed.), *Buccleuch*, i, 146.

<sup>161</sup> SRO, RD1/14, 325; RPC, iii, 335-6, 441; Fraser (ed.), *Buccleuch*, i, 165-7; Elliot, *Border Elliots*, 125. Margaret Douglas acted for James Gledstones, her servant, and Scott of Harden against Elliot of Braidlie for resetting Armstrong of Whitelaw who had, on a number of occasions, raided her jointure lands. Similar attacks were still occurring in 1584.



Francis Stewart did not leave for the continent until October 1578. He journeyed *incognito*, as a merchant travelling to Rye on the south coast of England (a port which was frequently used by Scottish merchants trading with the continent).<sup>162</sup> This strange decision probably resulted because he had not obtained a passport to travel in England from Elizabeth. By some stratagem, Bothwell and his travelling companion, James Lindsay, were exposed and subjected to several sessions of questions at the hands of local magistrates.<sup>163</sup> Eventually, the genuine merchants were allowed to travel on their way but the two young noblemen were transported to the English court for further questioning.<sup>164</sup> Although it was supposed that 'their disguising carries a vehement suspicion of no good intent', in later years, Francis Stewart indicated that he had been treated with great kindness at Elizabeth's court, where he had met the queen and a number of her prominent counsellors (whom he would have dealings with in later years).<sup>165</sup>

Extant records do not reveal how long Francis Stewart remained at the English court but, by 1579, the earl was certainly on the continent and to be found in Paris.<sup>166</sup> The long distance administration of Kelso necessitated by the earl's journey to the continent delayed the fulfilment of charters to a point but also must have allowed for up-to-date information on his family and comital holdings to reach the earl and details from him to be conveyed back to Scotland. Not enough is understood of Bothwell's first period on the continent in the late 1570s and early 1580s and where he studied, whom he met and what he stood for all require greater illumination.

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<sup>162</sup> Dasent, J R (ed.), *Acts of the Privy Council of England*. New Series, 32 vols. (London, 1890-1907), x, 346.

<sup>163</sup> *ibid.*, 346.

<sup>164</sup> *ibid.*, 347, 351-2.

<sup>165</sup> *CSP Scot*, ix, no 563.

<sup>166</sup> SRO, RH6/2506.

Durkan has noted that, on the continent, Francis Stewart, earl Bothwell, was a matriculated student at the catholic university of Angers around 1580.<sup>167</sup> Angers, in the sixteenth century, specialised in the teaching of law and it would be tempting to speculate that during his period of continental education, Bothwell acquired at least a rudimentary knowledge of canon and civil law.<sup>168</sup> At the same time, and in the same university, Alexander King, the son of a prominent Edinburgh burgess, also studied and his connections with the earl would endure to the extent that, when back in Scotland in the later 1580s, he was appointed admiral depute.<sup>169</sup> Bothwell had further continental associations: during the same period, in Paris, William Fowler was studying law. Fowler had studied at St Leonard's College, St Andrews, from 1573 until 1578 and was, therefore, a close contemporary with the earl. In 1580, Fowler was driven out of Paris by catholic persecutors and, a year later, he was similarly driven out of Rome. Upon returning to Scotland, he published '*An answer to the calumnious letter and erroneous propositions of an apostate named Mr John Hamilton*' and dedicated it to his patron and friend, Francis Stewart.<sup>170</sup> This, one of the earliest vernacular works against catholicism, must serve as an indication that, to one person at least, Francis Stewart was already strongly committed to protestant ideals. In 1580 also, the earl of Crawford (who was in exile on the continent) passed from Paris to Italy, although on this occasion because the city was affected by the plague not for any religious reasons.<sup>171</sup> It is possible that Francis Stewart followed suit.

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<sup>167</sup> SRO, GD45/26/50, 19; Durkan, J, 'The French connection in the sixteenth century and early seventeenth century', *Scotland and Europe*, ed. T C Smout (Edinburgh, 1986), 24-5.

<sup>168</sup> Durkan, 'The French connection', 24-5.

<sup>169</sup> SRO, GD45/26/50, 3; Durkan, 'The French connection', 37. King was a noted catholic.

<sup>170</sup> Meikle, H W, Craigie, J, & Purves, J (edd.), *The Works of William Fowler, Secretary to Queen Anne, Wife of James VI*, 3 vols (STS, 1914-40), ii, 9-11; iii, pp. xi-xiv; Scott, H, Lamb, J A, & MacDonald, D (edd.), *Fasti Ecclesiae Scoticae: the Succession of Ministers in the Parish Churches of Scotland, from the Reformation, AD 1560, to the Present Time*, 10 vols (Edinburgh, 1915-81), ii, 112. Fowler would later be patronised both by earl Bothwell and James VI, Durkan, 'The French connection', 37; *Fasti*, ii, 112.

<sup>171</sup> NRA(S) 237, ii, 177.

The death of the earl of Morton, on 2 June 1581, had a profound effect on Scottish politics. Not only did it leave Esmé Stewart, earl of Lennox (later duke) in undisputed political control, it also allowed for a massive reallocation of Morton's lands and offices.<sup>172</sup> The relationship between Bothwell and his tutor had been extremely beneficial to the older man: not only had he obtained valuable offices, revenue and opportunities for patronage upon the forfeiture of James, fourth earl Bothwell, but, in 1573, he had persuaded the privy council to formally annex the estates, properties and rents of the Bothwell earldom to the crown - thus, again, greatly increasing the amount of finance to which he, as regent, had access.<sup>173</sup> The benefits which Francis Stewart received from the relationship are harder to define and less tangible. If Francis did have any personal relationship with his tutor (and it is not certain he did - compare, for example, the regent's attitude to his royal charge), he is likely to have gained knowledge of political manipulation, estate management and ruthlessness. The regent's fall, however, meant that the political situation in Scotland changed and, in April 1581, Jean Hepburn petitioned the privy council that as 'she had never done anything but support the crown and regents', her son's patrimony (which she held in liferent) should be granted as an act of clemency and favour.<sup>174</sup> This would seem to suggest that whatever the form of grant in 1578, it was, in effect, merely titular (possibly purely because the earl was overseas). Jean Hepburn now petitioned for the physical holdings of the earldom to be restored and, more significantly, its finances.

On 16 June, two weeks after the execution of the earl of Morton, Francis Stewart's entitlement to the earldom of Bothwell with the relevant lordships and the recovered offices of

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<sup>172</sup> Donaldson, *All the Queen's Men*, 135-6; Hewitt, *Scotland Under Morton*, 205-7; Donaldson, *James V to James VII*, 173. See also Lee, M, 'The fall of the regent Morton: a problem in satellite diplomacy', *Journal of Modern History*, xxviii (1956), 111-29.

<sup>173</sup> *RPC*, ii, 252; *CSP Scot*, iii, no 494. Why this annexation was relaxed five years later remains uncertain.

<sup>174</sup> *RPC*, iii, 371.



great admiral, sheriff of Lothian and Haddington passed the great seal.<sup>175</sup> Such action sent a loud message across Europe - despite the fact that Bothwell's tutor had been executed as a traitor, it was not to be held against the earl. Bothwell was actively being courted by Lennox and promised his heritage. In the autumn parliament of 1581, an investiture and belting ceremony occurred where the new duke of Lennox and the earls of Arran, Orkney and Gowrie were formally accepted into the ranks of the upper nobility.<sup>176</sup> Although there is no extant reference to such a ceremony for Bothwell, his future rôle and place in society had been re-emphasised.

In September 1581, David Collace of Auchinfarslie, sheriff of Edinburgh, curator and servant of the earl, and 'principal favourite' of the bedchamber of James VI,<sup>177</sup> was sent to Italy with command from the king to bring home Bothwell. On route home, the earl was to be schooled in Paris by James Beaton, the exiled archbishop of Glasgow.<sup>178</sup> Collace (along with the laird of Bombie and Archibald Douglas, the son of Douglas of Whittingham) set out by ship from Leith but were driven back by contrary winds. They sought an alternative form of transport and applied to the marshall of Berwick for a license to pass through England. This they received - they set out from Berwick on 3 October - but on the proviso that they first attended Elizabeth's court. Elizabeth may have been already aware, through her Scottish spies, that Collace had been encouraged to involve the earl in 'dangerous courses', and she was seeking to influence the loyalty of the earl and those close about him.<sup>179</sup>

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<sup>175</sup> RMS, v, no 218.

<sup>176</sup> APS, iii, 254-6; Thomson, T (ed.), *The Historie and Life of King James the Sext: being an Account of the Affairs of Scotland, from the Year 1566, to the Year 1596, with a Short Continuation to the Year 1617* (Bannatyne Club, 1825), 184-5; Anderson, *Robert Stewart*, 106.

<sup>177</sup> Rogers (ed.), *Estimate of the Scottish Nobility*, 40.

<sup>178</sup> CSP Scot, vi, no 64. James Beaton was the focus of Scottish catholic émigrés and had close links to Rome and contacts with a variety among scholars and students, Dilworth, M, 'Archbishop James Beaton's papers in the Scottish Catholic Archives', *Innes Review*, xxiv (1983), 5-7. He was, however, not beyond contact from protestants and was generally well-liked on both sides of the religious divide, Dilworth, M, 'Archbishop James Beaton II: a career in Scotland and France', *RSCHS*, xxiii (1992), 314.

<sup>179</sup> CSP Scot, vi, no 64.

In Scottish political terms, Bothwell was seen as a useful ally. Despite his youth and inexperience, he had access to one of the most prominent estates in the country and various parts of it were situated in crucial geographic 'control' areas. The duke of Lennox was not the first person to recognise the importance of the earl: in September 1580, the earl of Morton, desperately searching for loyal supporters, had undertaken to recall Bothwell home from the continent to challenge and replace the influence of Lennox at court. Along with his uncle, Robert, earl of Orkney, Bothwell could then have formed the nucleus of a Stewart 'party' around James VI.<sup>180</sup> Morton's plan failed, however, a year later in October 1581, it was widely rumoured that James was about to provide a list of heirs to his throne. Lennox was to be declared second person in the realm; Atholl was to be the next alternative; the earl of Arran was to be the third; and Francis Stewart, earl Bothwell, (in spite of the illegitimacy of his father) was alleged to be fourth alternate.<sup>181</sup> While the rumour remained nothing more than conjecture, it accurately reflected the status of both the earl and his Stewart relatives.

By the start of June 1582, Bothwell was back in Paris, although it is not recorded whether he did indeed visit the archbishop of Glasgow. Fully aware of the inferences which would be drawn from his continental education (especially his period of study at the catholic university of Angers) Bothwell repeatedly stressed his zealous protestantism as well as his devotion to Elizabeth I. He informed sir Henry Cobham, the English ambassador in Paris, that he was extremely close to John, lord Hamilton, and Cobham soon became aware that the earl had, in fact, delayed his departure for Scotland in order that he could await Hamilton's return from Germany.<sup>182</sup> Hamilton, seeking to return to Scotland himself, utilised the 'great good friendship between them' and proposed a personal alliance with Archibald Douglas, eighth

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<sup>180</sup> *CSP Scot*, v, no 601. Bothwell, for some reason, did not respond.

<sup>181</sup> *ibid.*, vi, no 67.

<sup>182</sup> *CSP For*, xv, no 74. Sir Henry Cobham had been the long-standing English ambassador in Paris and was a central figure in the continental information gathering system, Haynes, A, *Invisible Power: the Elizabethan Secret Services, 1570-1603* (Stroud, 1992), 91.

earl of Angus (Bothwell's brother-in-law). The middle-aged Hamilton sought the young earl's views on the matter and solicited his support.<sup>183</sup>

Cobham was impressed by Bothwell. The ambassador wrote to Walsingham listing his attributes: his estate, his ability, his religious and political preferences and 'the match of his marriage'.<sup>184</sup> He also noted, 'I have seldom seen a young nobleman of better behaviour in the state and affairs of his country'.<sup>185</sup> Walsingham too, was impressed by Bothwell and his governor (whose name, unfortunately, is unrecorded).<sup>186</sup> He suggested that the earl should be treated with all courtesy and favour in France and encouraged to travel home *via* the English court where he would receive a warm welcome and 'good usage'.<sup>187</sup> Bothwell, showing not only political astuteness, but an acute awareness of his projected rôle in Lennox's Scotland, politely refused, stating that he feared it would offend James VI and 'principal persons about the king'. He felt 'he may have through his clear dealing, the better means about the king to favour the cause of religion'.<sup>188</sup> It was an argument which the English camp could not counter and, towards the end of July, Francis Stewart left Rouen on a ship bound directly for Edinburgh.

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The early life and family relationships of Francis Stewart are vital when it come to trying to understand the earl and his motivations in the 1580s and 1590s. Like James VI, Francis Stewart had never known his father and, in the late 1580s, the commendatorship of Coldingham represented the only palpable link with the past and with his father. John Stewart

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<sup>183</sup> *CSP For*, xv, no 210.

<sup>184</sup> *ibid.*, no 87.

<sup>185</sup> *ibid.*, no 150.

<sup>186</sup> For suggestions, see above, page 125.

<sup>187</sup> *ibid.*, no 101.

<sup>188</sup> *CSP For*, xv, no 136.



had operated carefully and fairly during his possession of the priory and had left a legacy which his son could try to re-instate. Like James VI as well, Francis Stewart had had a series of 'surrogate' fathers who acted in administrative and educational affairs. At times, it must be questionable how often these men operated for the good of Francis Stewart and how often they operated for the good of someone, or something, else - most notably the regents Moray and Morton and the state (it is arguable whether this too represents a similarity with James VI).

Personal relationships are, perhaps, one of the most difficult areas of history to study. It is impossible to understand the relationships between even the most well recorded individuals. Francis Stewart had a multitude of personal and professional relationships that defy analysis. While it is safe to acknowledge known links between Bothwell and his half-brothers and sisters and, likewise, safe to acknowledge relationships with his step-father, uncles, and cousins, it is less apparent how well Francis Stewart knew the individual members of the Stewart and Hepburn *familiæ*. While it could be argued that in a society such as Scotland, regular contact must have been maintained (at least at the top of the social hierarchy), it is frustrating to note that two men meeting together, daily, in a street do not, necessarily, even record the other's existence, let alone their conversation.

The initial political development of Francis Stewart was strongly based in his heritage. The official grants of lands and pensions supported his lifestyle and his education. When he lost part of his heritage, he must have viewed it as a short-term set-back. Blessed by being a close family relation of almost every political governor and administrator from the time of Mary, queen of Scots, (and his birth in 1563), to James VI, (and his exile in 1595), Francis Stewart would have had to struggle hard to fail. By 1582, he had succeeded so spectacularly: he was well connected (personally and politically), religiously sound, personable, erudite and extremely well educated (he could certainly comprehend four languages - Scots/English, Latin,

French and Italian).<sup>189</sup> All this augured well for his future prospects on his return home to Scotland.

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<sup>189</sup> *CSP Scot*, xi, no 319.

## ***CHAPTER THREE***

***The re-establishment of position and  
the consolidation of power, 1582-89***



Francis Stewart's heritage defined a rôle for his future in terms of his past; his family connections, up-bringing and education ensured that he was in an advantageous position when it came to making an impact on Jacobean Scotland. However, there were a number of obstacles which would hinder any attempt to make his name, for example, the dismembered state of the Bothwell earldom; the hatred which had persisted towards his predecessor; and the ambition of other members of the Scottish political elite. That it was not Francis Stewart's intention to live quietly on his estates was already clear by 1582 - he intended to forge a position for himself at the heart of government. The actions of the earl between his return to Scotland in 1582 and his appointment as assistant governor of the realm in 1589 form an impressive study in the acquisition of authority yet also demonstrate the expediencies required to survive, politically, in later sixteenth century Scotland.

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On 27 July 1582, Francis Stewart, earl Bothwell, landed at Newhaven in Lothian.<sup>1</sup> He had been on the continent for four years and, despite regular communication with his countrymen, must have been unsure of the prevailing political situation and also his proposed rôle within it. The political situation in Scotland was tense and many of the nobility were deeply concerned by the administration of Esmé, duke of Lennox. Some had left court and retired to their estates, fearful of arrest or execution.<sup>2</sup> During the course of the summer, the kirk had become increasingly vocal concerning perceived religious slackness and the English ambassador was

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<sup>1</sup> Dennistoun, J (ed.), *Memoirs of the Affairs of Scotland. By David Moysie, MDLXVII-MDCIII. From Early Manuscripts* (Bannatyne Club, 1830), 37; Napier, M, & Russell, M (edd.), *History of the Church of Scotland. By John Spottiswood, Archbishop of St Andrews*, 3 vols (Bannatyne Club, 1850), ii, 295; *Historie*, 188-9; Calderwood, iii, 634. Moysie records the date as 26 July.

<sup>2</sup> Calderwood, iii, 632-5; *CSP Scot*, vi, nos 121, 135, 140, 160.

also uncertain of king James's personal political loyalties.<sup>3</sup> Bothwell's rôle at court and within government was as unclear to those at home as it was to the earl himself.<sup>4</sup> On one hand, Bothwell looked like a staunch loyalist of Lennox: he had returned home at the duke's request when, a year previously, he had ignored (or refused) the summons of his tutor, Morton;<sup>5</sup> he was a relative of not only Lennox but also James Stewart, earl of Arran, Lennox's colleague; and, he had taken great care not to alienate one side or another of the Scottish politico-religious factions by keeping appropriate company in Paris and refusing to go to London.<sup>6</sup> On the other hand, Bothwell looked like potential trouble: he was closely allied to the Douglasses through his mother, step-father, wife and associates;<sup>7</sup> his religious bias was strongly protestant;<sup>8</sup> and his education and increased maturity meant that he could expect greater recognition at court than some people would be prepared to allow. Francis Stewart represented a wealth of unknown potential and in a form likely to attract the favour of the young king.

The duke of Lennox tried to confirm Bothwell's allegiance to the administration once the earl had returned home. Lennox offered his cousin the opportunity to immediately re-establish

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<sup>3</sup> Calderwood, iii, 631-3; *CSP Scot*, vi, nos 121, 142, 160; 'Apology of Mr Patrick Galloway, Minister of Perth', *Bannatyne Miscellany*, i, 115.

<sup>4</sup> Of four contemporary lists of Lennox supporters and opponents, Bothwell only appears in one where he is noted as being against the duke, *CSP Scot*, vi, nos 154, 156, 178, 258.

<sup>5</sup> *CSP Scot*, v, no 601.

<sup>6</sup> *CSP For*, xvi, nos 74, 87, 101, 136, 150, 210. It is possible that the young earl was playing a double game - professing his obligations and loyalty to Elizabeth of England through her ambassador in Paris, Henry Cobham, whilst at the same time refusing her offer to attend her court, on the grounds that it might prejudice his reception when he arrived home. This is a clear indication as to which side Francis Stewart expected to join when he returned - the Douglas faction would have been delighted to have such a prominent English favourer on their side; it would however be a different matter if the duke of Lennox and earl of Arran found out. Bothwell was bold enough to ask the English exchequer for a pension.

<sup>7</sup> See above, pages 115, 116, 124, 129, 130. George Douglas, provost of Lincluden, was disappointed that Archibald Douglas (Bothwell's step-father) was not in Scotland to advise earl Bothwell on his return; the earl of Angus was disappointed he had not been informed of the earl's return as he would have looked to discuss his own affairs with the younger man, *CSP Scot*, vi, no 141.

<sup>8</sup> In March 1581, he had been noted in a list of Scottish nobles as 'pro-English' in outlook, Rogers (ed.), *Estimate of the Scottish Nobility*, 34. He was considered 'weill affectat to the religioun', 'Apology of Patrick Galloway', *Bannatyne Miscellany*, i, 118.

comital authority within Lothian and Berwickshire by acquiring Haddington Nunnery, Coldingham Priory and (if he would undertake action against them) the land-holdings of Lindsay of Byres and Home of Manderston. Bothwell did not have to worry about retribution as Lennox promised 'to find law enough to cause them both to want their heads'.<sup>9</sup> Francis Stewart was unimpressed and stated that while he may wish to undertake action to recover Coldingham, he had never been wronged by Lindsay and would do him no harm.<sup>10</sup> Obviously, Bothwell was concerned about the Lothian situation, but must have recognised that James, earl Bothwell, had held, latterly, several offices and positions to which he had little real claim. Lindsay of the Byres was a considerable power in his own right in Lothian and would be preferable as the ally of an earl attempting to re-establish a position, rather than an enemy.

On returning home, Bothwell had made it his business to find out about the state of the realm and must have become aware how much Lennox was disliked. Along with the laird of East Wemyss, he had carried news of military movements on the continent and a potential threat to Scotland from the king of France and duc de Guise.<sup>11</sup> Bothwell met with the ministers of Lothian and pledged his loyalty to the reformed kirk, noting that he had remained constant in his faith even when abroad.<sup>12</sup> Within three days, Francis Stewart, had journeyed to court

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<sup>9</sup> Calderwood, iii, 634-5. Lennox had a grievance against Manderston as his son had been granted a letter by the king without the duke's approval, Colville, *Letters*, 5-7. The reason for the grievance against Lindsay of Byres would appear to have been politically motivated, *CSP Scot*, vi, nos 30, 62.

<sup>10</sup> Calderwood, iii, 634-5. Lord Lindsay of the Byres had received the fruits of Haddington Nunnery on the forfeiture of James, earl Bothwell, the previous bailie. In 1580, he received the lands also, Harvey & Macleod (edd.), *Calendar of Writs at Yester House*, no 832a. The duke, with his conciliatory offer spurned, immediately conspired with Arran to instigate slanders against Bothwell's wife, Margaret Douglas, probably of a sexual nature, Calderwood, iii, 635. Despite the slander, Bothwell was noted as being 'a great friend to the duke' as late as 5 September 1582, *CSP Scot*, vi, no 155.

<sup>11</sup> Calderwood, iii, 634; *Historie*, 188-9; Spottiswoode, ii, 295. Previously, there had been various scares over the travel to Scotland of unwelcome people, *CBP*, i, nos 52, 102, 107, 114. A French fleet had been gathering in La Rochelle since early spring and it was reported, in April 1582, that James and Lennox were expecting 3,500 French troops to land at Dumbarton, *ibid.*, no 119; Elliot, J H, *Europe Divided, 1559-1598* (London, 1985), 282. For the background diplomacy behind the arrangements, see, Haynes, *Invisible Power*, 28-9.

<sup>12</sup> Calderwood, iii, 634. In 1579, the kirk petitioned against sending young protestants abroad as they feared for their conversion, *ibid.*, 446.



where he was 'heairtelie welcomed'<sup>13</sup> and re-established personal access to the king. Although Calderwood states that he did not stay for long, by the time of the Ruthven Raid, the earl was a firm fixture in the king's bedchamber, providing political advice and receiving affection.<sup>14</sup>

The Ruthven Raid was a palace coup which occurred early on the morning of 23 August 1582, while the king was visiting Huntingtower (or Ruthven Castle) in Perthshire. Commentators on the Raid, generally, fall into two camps: either they follow Birrel and consider it 'a verey grate presumptiōne in a subiecte to hes prince',<sup>15</sup> or else they agree with Calderwood and think it an 'honest, lawfull, necesar and godlie enterprise'.<sup>16</sup> The coup was aimed not against the king but against the duke of Lennox and it intended to rid Scotland of his influence. The events of 23 August were engineered by various members of James's boyhood court: John Erskine, second earl of Mar; Thomas Lyon, master of Glamis; and the Erskine commendators of Cambuskenneth and Dryburgh. Also involved were connections familiar to Bothwell - lord Lindsay of the Byres; Colville of East Wemyss; and Robert Douglas, younger of Lochleven.<sup>17</sup> No satisfactory explanation for the motivations of all the participants exists - normally, the reality of the events is obscured by placing too much emphasis solely on religious aspects. The Ruthven Raid and the ten month political regime which followed, are seen as an engagement between the protestant forces of Good and the catholic agents of the counter-reformation. In fact, if the Ruthven Raid shows anything, it shows that the conventional wisdom of competing protestant and catholic parties - well-defined and constant - is lacking in analytical complexity. While it is unarguable that the lead was taken by protestant lords in the 1582 Raid, the personal involvement of many other parties during the subsequent regime

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<sup>13</sup> Moysie, *Memoirs*, 37.

<sup>14</sup> Calderwood, iii, 634-5.

<sup>15</sup> Birrel, *Diary*, 22; Lee, M, 'Archbishop Spottiswoode as a historian', *Journal of British Studies*, xiii (1973), 144.

<sup>16</sup> Calderwood, iii, 637-9.

<sup>17</sup> *Historie*, 189; Calderwood, iii, 637; Spottiswoode, ii, 290; *RPC*, iii, 506-7; Willson, *James VI and I*, 42-3.

would seem to show something of a consensus - most members of the Scottish political elite recognising that the duke of Lennox was not good for the interests of anyone.<sup>18</sup>

Francis Stewart would appear to have been playing a double rôle during the Ruthven Raid and the regime which followed. One near contemporary noted that Francis Stewart passed to Perth 'as traynit thither expresslie for the purpose aforetauld';<sup>19</sup> another thought of him as 'a great friend to the duke and enemy at first of this action (who lay in the king's chamber and greatly persuaded his mislike thereof)'.<sup>20</sup> The former comment might indicate that Francis Stewart had an extremely sensitive position in the days running up to the Ruthven Raid. The implication is clear: Bothwell was a place-man with full knowledge of the intended insurrection and he was entrusted with gaining the king's confidence in order to provide a sop to a temperamental teenager who was about to be separated from his closest companion. The latter comment would suggest that he achieved the trust of both Lennox and James and maintained it by telling the king what he wished to hear. Such political 'inconsistency' is perfectly understandable when it is considered that the position Bothwell wished to preserve was not that of the duke, nor even the Ruthven Raiders, but his own. Noted as still being friendly with the duke during the latter's warding, he was also the first name on a document to condemn the behaviour of the duke of Lennox and earl of Arran.<sup>21</sup> Such political expediency was vital for anyone attempting to establish position for themselves.

As one of the few noblemen who was frequently present in the king's chamber, Bothwell reassured James during a period of governmental instability and was adept at being able to get

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<sup>18</sup> Macpherson, R G, 'Noble power in a power vacuum: minority politics in the reign of James VI' (unpublished paper, 1995).

<sup>19</sup> *Historie*, 189.

<sup>20</sup> *CSP Scot*, vi, no 155.

<sup>21</sup> *ibid.*, nos 137, 155. The bond depended on four these chief points: to maintain the true religion; to preserve the safety of the king; to preserve the authority of the nobility, state and realm; and to oppose recent actions of the duke and Arran.

him to change his mind on matters of state.<sup>22</sup> Along with the earl of Mar, he attempted to secure the restoration of Archibald Douglas, earl of Angus (Bothwell's brother-in-law) and argued that such action would bind all three earls closer to the king.<sup>23</sup> James responded that when he decided to overturn his previous policy (which had been decided upon by the whole state in parliament), he would seek 'beards and gravity' instead of the advice of Bothwell and Mar. Nevertheless, Angus was restored.<sup>24</sup>

On another occasion, James objected to signing a proclamation put before him in favour of a group of presbyterian ministers. The king had declared that the ministers were 'a pack of knaves' and that the professors of France were 'seditious traitors, rebels and perturbers of the common weal'. Bothwell was secure enough to rebuke his monarch and said that such talk was a sure way to 'pluck the crown from his head'.<sup>25</sup> James, cowed, subscribed the proclamation. Such action caused the normally uncharitable Calderwood to record: 'nothing of importance, which might serve for furtherance of the Lord's cause, was obtained without his [Bothwell's] procurement'.<sup>26</sup>

Bothwell was very careful to continue his good relations with the kirk: while on the continent in March 1581, his name had been appended to the king's Confession of Faith;<sup>27</sup> by September 1582, he had resumed his active rôle as patron of various benefices;<sup>28</sup> and, in October 1582, he attended the general assembly in Edinburgh.<sup>29</sup> Upon meeting the ministers,

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<sup>22</sup> Moysie, *Memoirs*, 38, 44; *CSP Scot*, vi, no 162, 405, 476, 479. Bothwell was not with the king permanently. In September 1582, he was summoned to court from his Lothian lands, SRO, E21/63, f. 78v.

<sup>23</sup> *CSP Scot*, vi, nos 168, 182.

<sup>24</sup> Calderwood, iii, 674-5.

<sup>25</sup> *ibid.*, 649.

<sup>26</sup> *ibid.*, 649.

<sup>27</sup> *BUK*, 518. It is notable that Bothwell's name was appended below that of the earl of Morton.

<sup>28</sup> SRO, PS1/62, f. 56r. See below, pages 354, 362.

<sup>29</sup> *BUK*, 585; Spottiswoode, ii, 295; Shaw, D, *The General Assemblies of the Church of Scotland, 1560-1600. Their Origins and Development* (Edinburgh, 1964), 73.



he discussed the financing of the kirk and also the foundation of a presbytery of Kelso.<sup>30</sup> At the assembly, in front of a large number of other nobles, Bothwell made his personal confession of faith.<sup>31</sup> This was important - he was openly declaring his religious allegiance before not only the ministers but also his noble colleagues - he was accepting the considerable mantles of his relations and guardians and advocating he was worthy of similar trust.<sup>32</sup>

Francis Stewart's courting of the church was part of a conscientious policy, pursued by the earl during the period of the Ruthven regime, of taking upon himself the traditional family responsibilities. The earl was active in Haddingtonshire and on his estates;<sup>33</sup> in December 1582, he lodged a declaration of interest in the commendatorship of Coldingham before the lords of session;<sup>34</sup> in January 1583, he was officially admitted to the office of admiral;<sup>35</sup> in February 1583, he was charged to discharge shrieval accounts for himself, his wife and Walter Scott, his step-son;<sup>36</sup> and, in April 1583, when James considered granting him the position of keeper of Liddesdale, he refused it stating that he required 'greater entertainment'.<sup>37</sup> This entertainment was probably intended as a dual reference, firstly, to the position each of his forebears had held as lieutenant on the marches,<sup>38</sup> and, secondly, to a stifled offer, made in the early days of the Ruthven regime, of the office of lieutenant of the

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<sup>30</sup> BUK, 637-8. Presbyteries had been set up in 1581 as a consolidatory measure in areas where the Protestant church was strongest. For discussion of the early history of presbyteries, see MacDonald, A R, *Ecclesiastical Politics in Scotland: 1586-1610* (unpublished Ph.D., Edinburgh, 1995), 184-99.

<sup>31</sup> BUK, 597.

<sup>32</sup> Calderwood, iii, 689.

<sup>33</sup> SRO, GD105/133; GD1/413/24.

<sup>34</sup> SRO, CC8/2/11. I am grateful to Dr Alan MacDonald, University of St Andrews, for bringing this reference to my attention.

<sup>35</sup> EUL, Laing Manuscripts, III, 388a, f. 73r. I am grateful to Mr John Finlay, University of Edinburgh, for this reference.

<sup>36</sup> Grierson, P J H, 'Sheriff court book of the sheriffdom of Dumfries, 1577-1583, kept by Andrew Cunnyngname, sheriff-depute', *Transactions of the Dumfries and Galloway Natural History and Antiquarian Society*, Third Series, xii (1926), 210-11.

<sup>37</sup> CSP Scot, vi, no 393.

<sup>38</sup> See above, pages 63, 75, 78, 87-90.

east and middle march.<sup>39</sup> The recognition of traditional responsibilities presaged a steady introduction into politics and administration.

At court, Bothwell attempted to remain above faction - he was a prize to both sides: he continued to receive 'close letters' from the court during the period of the Ruthven regime,<sup>40</sup> yet, on 24 March 1583, Bothwell was first to swear loyalty to Elizabeth along with Argyll, Huntly, Atholl, Montrose, Rothes, Morton, Eglinton, Glencairn, Crawford (that is a mixed bag of catholic and 'moderate' protestant nobility). It was reported that they were all united for an enterprise to be undertaken at Lent.<sup>41</sup> While this, again, could be conceived as political inconsistency, it could also demonstrate that there was a perceptible difference between loyalty to the king and loyalty to his administrative regime. The political regimes of Lennox and 'Ruthven' had been greatly dissimilar to the regime of Morton before them. The Morton regime had been based on control of the machinery of government and administration - the king was incidental. The regimes of Lennox and 'Ruthven' were based on control of the bedchamber and the king's person - the <sup>administrative machinery</sup> while not incidental, was considerably less powerful. The Ruthven regime was centred around the earls of Angus and Mar yet on only one occasion did either take part in a meeting of the privy council during the ten months of the regime - their control was exercised elsewhere.<sup>42</sup> To an earl such as Bothwell, whose authority, at this point, stemmed from remaining close to the king, this represented a considerable threat. It was perfectly consistent that Bothwell should be seen to favour Lennox, Ruthven and then Arran - his domain was the bedchamber. By himself, he was politically insignificant; his power and uses lay elsewhere.

The confirmation of the death of Esmé, duke of Lennox, in France, in June 1583, precipitated another change in government: a council was convened in St Andrews and various

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<sup>39</sup> See below, page 268.

<sup>40</sup> SRO, E21/63, ff. 96r, 103r, 120v.

<sup>41</sup> CSP Scot, vi, no 361.

<sup>42</sup> RPC, iii, 508-577.

lords were summoned to attend on the king.<sup>43</sup> James declared that during the previous ten months he had been kept against his will; however, he did not consider it a crime. The king stated he would pass an act of oblivion, satisfy the demands of the church, agree differences between the opposing parties and present a united front to the populace. Four lords, 'two of every faction' - Angus and Bothwell; Huntly and Crawford - were to withdraw from court to consider the implications.<sup>44</sup> Although Huntly and Crawford were soon commanded back to court, James took longer to recall Bothwell and Angus.<sup>45</sup> Bothwell's gambit of associating with each side, could be considered to have failed. In truth, he had not associated equally with both sides and had favoured the company of Angus and Mar - the lords in political control. When the Ruthven regime fell, Bothwell was guilty by association.

The earl was noted as discontent but not concerning the change of regime, instead regarding petty incidents associated with the affair: ten of the earl's servants had been searched for armour upon their entering St Andrews Castle; James's good countenance to David Collace (one of the earl's servants) had abated; and colonel Stewart (who had been the prime mover behind the events at St Andrews) had dealt unfairly with the son of the laird of Whittingham (Bothwell's cousin).<sup>46</sup> James informed Angus, Bothwell and Mar that the council had thought it good to send forth charges to them; he wished them to accept it in good part and not think it was done of any evil intention.<sup>47</sup>

Following the escape of James to St Andrews, the earl of Arran again assumed prominence at the Scottish court and a considerable propaganda effort was undertaken to legitimise the

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<sup>43</sup> Steuart (ed.), *Memoirs of Melville of Halhill*, 248; *CSP Scot*, vi, nos 534, 545, 547.

<sup>44</sup> Steuart (ed.), *Memoirs of Melville of Halhill*, 250-51. James later reneged on these promises, *ibid.*, 255.

<sup>45</sup> Steuart (ed.), *Memoirs of Melville of Halhill*, 252. It was considered that 'the lords lately about the king retained so little rule that most men thought them almost cast off, and the other side to carry away the good grace at present', *CSP Scot*, vi, no 549.

<sup>46</sup> *ibid.*, nos 549, 565. The laird of Whittingham had suggested to David Collace that his uncle should be captain of the guard instead of colonel Stewart. Stewart had re-acted furiously, *ibid.*, no 556.

<sup>47</sup> *CSP Scot*, vi, no 565. See also Steuart (ed.), *Memoirs of Melville of Halhill*, 252.



recent actions of the king and his supporters.<sup>48</sup> During the next six months, although Angus, Mar, the laird of Lochleven and the master of Glamis all entered exile, earl Bothwell returned to court and even entertained the king at Crichton Castle.<sup>49</sup> There is no known remission for Bothwell, but he had clearly been forgiven for his association with the other Ruthven lords.

Bothwell continued to further his interests at court and kept in close contact with Thomas Fowler, an English resident (and spy) in Edinburgh.<sup>50</sup> When, in November 1583, Bothwell became involved in a confrontation with lord Home over the rights to Coldingham, he was popular enough with James to have his ward remitted from Linlithgow Palace to his own house, yet he was seen as enough of a political threat to the Arran regime for the countess of Arran to insist that he should lose his head.<sup>51</sup> A month later, when a convention of estates passed the act condemning the Ruthven Raid, Bothwell and many of the burgh representatives refused to subscribe it.<sup>52</sup> It was one thing to try to adapt to the frequent changes in Scottish polity, it was another thing entirely to deny the legitimacy of what had gone before.

During 1583, both factions - Arran's and the exiles - sought Bothwell's assistance. It was rumoured that various ministers, nobles and lairds including Angus, Bothwell, Mar, and Hamilton (who had travelled into England from continental exile), had formed a general band to send to Elizabeth for assistance to upset Arran's government. The king, fearful of the consequences, wrote to Bothwell personally and told him to beware of joining with any particular person and to wholly depend upon his monarch.<sup>53</sup> The warning was not heeded and, in November, James again wrote to Bothwell and, this time in irritation, suggested that if he could not follow the course of the Stewarts, then he should, at least, 'harken to the Hepburns,

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<sup>48</sup> *APS*, iii, 330-1; *RPC*, iii, 614.

<sup>49</sup> *CSP Scot*, vi, no 627.

<sup>50</sup> *HMC, Marquis of Salisbury*, iii, 16.

<sup>51</sup> *Calderwood*, iii, 759.

<sup>52</sup> *APS*, iii, 330-1; *RPC*, iii, 614; *Calderwood*, iii, 761-2; *Spottiswoode*, ii, 307-8; *Historie*, 199-202.

<sup>53</sup> *CSP Scot*, vi, no 582.

his mother's friends'.<sup>54</sup> Lord Seton was sent to Bothwell to express, intimately, the king's thoughts concerning the earl and promise him future favour. Seton requested his attendance at court and for him 'to leave the company of the earls of Angus and Mar and come and join the rest of the Stewarts' on pain of strong displeasure.<sup>55</sup> Bothwell had proposed to winter at Kelso but instead went to Crichton with his whole household. He further intended for James to attend his house for the baptism of his first-born son, Francis - a demonstrable confirmation of the king's favour.<sup>56</sup>

Another reason James wished Bothwell's presence at court was the impending arrival of Ludovick Stuart, the eldest son of the previous duke of Lennox. James rode to Leith from Stirling with an entourage headed by Arran, Huntly, and Bothwell.<sup>57</sup> The entourage was a disparate group of men chosen to impress - Arran and colonel Stewart were in opposition to each other;<sup>58</sup> Arran and Crawford likewise;<sup>59</sup> Bothwell and Crawford had previously quarrelled;<sup>60</sup> and Bothwell had approached colonel Stewart to carry a challenge for armed combat to the earl of Arran.<sup>61</sup> Each dispute may have been settled but underlying resentment remained. Bothwell, who in October had been recommended by the crown and Arran as provost of Haddington, was, by November, seeking permission to travel abroad for five years.<sup>62</sup> He proposed to go to England and see Elizabeth (and Angus) both of whom he was accused of being 'over affectionate to'.<sup>63</sup>

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<sup>54</sup> *CSP Scot*, vi, no 691. James was failing to recognise that the Douglasses were equally (if not more so) Bothwell's family. It was an ambiguous position the king could not comprehend - both his mother and father had been Stewarts.

<sup>55</sup> *CBP*, i, no 186.

<sup>56</sup> *CSP Scot*, vi, no 691.

<sup>57</sup> *CBP*, i, no 188.

<sup>58</sup> *CSP Scot*, vi, nos 623, 627.

<sup>59</sup> *CSP Scot*, vii, no 12.

<sup>60</sup> *ibid.*, vi, no 700.

<sup>61</sup> *ibid.*, vii, no 15. The dispute, principally, was because Arran sided with Home in the Coldingham dispute, see above, page 149, and below, pages 227-31.

<sup>62</sup> *ibid.*, no 12.

<sup>63</sup> *ibid.*, vi, no 699.

Within nine months of the end of the Ruthven regime, the offices of chancellor, secretary, chamberlain, treasurer and comptroller had all changed.<sup>64</sup> The Ruthven regime had not brought about governmental instability but Arran's regime which followed did. In April 1584, a rebel faction of lords (led by Angus, Mar and the master of Glamis, who had illegally returned from exile) convened at Perth and marched on Stirling Castle. When considering Bothwell's involvement in the Stirling rebellion there are two possible options: either, as a result of his long term connections with Angus, Bothwell was one who supported the rebellion (and it is certainly noted that the earl shared the same beliefs as the rebels)<sup>65</sup> or, due to his personal loyalty to James VI, Bothwell remained firmly in the king's camp.<sup>66</sup>

On hearing of the Stirling rebellion, Bothwell marched to court from Kelso, at the head of 2,000 border troops - the largest muster of supporters he would ever achieve.<sup>67</sup> James was probably as uncertain of Bothwell's loyalty as subsequent historians.<sup>68</sup> An uncharitable view would consider that James VI suspected Bothwell of complicity with the Stirling lords and sent him home in disgrace. While this view has some points to commend it, especially with hindsight, it struggles, at points, for factual accuracy. Until this time, Bothwell had been prominent at court and had never involved himself in any rebellion against the king.<sup>69</sup> He had sympathised with aims, he had signed petitions, he had advocated favours be shown to rebellious parties but, at the end of the day, he had never risen in arms against his monarch. His quick gathering of men (from his Kelso and Liddesdale lands) and rapid march to the king represented a considerable addition to the royalist forces. These forces represented 'the chief

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<sup>64</sup> Fryde, *et al* (edd.), *Handbook of British Chronology*, 183, 186, 188, 191, 194.

<sup>65</sup> *CSP Scot*, vii, no 76.

<sup>66</sup> *HMC, Marquis of Salisbury*, iii, 121.

<sup>67</sup> *CBP*, i, no 215.

<sup>68</sup> *CSP Scot*, vii, no 109.

<sup>69</sup> *ibid.*, nos 31, 53.



strength of the king'.<sup>70</sup> That James VI decided not to utilise all of them in central Scotland but, instead, sent some of them back south with their leader should not be surprising. James ordered Bothwell (and Cesford following behind) to return to the borders and 'scale' [disperse] their troops and keep the border. Some men were left with the king and, within a short time, Bothwell was instructed north to command them.<sup>71</sup> They had been separated from Bothwell, not because the leader of the men represented a threat to James but, more likely, because James VI was as concerned about the threat posed by the English border wardens (who had been instructed by Elizabeth and Walsingham to support the Perth confederates by whatever actions were available) as by the rebel lords themselves.<sup>72</sup>

That having been said, the Stirling lords also appreciated the value of Bothwell's support - James intercepted and imprisoned James Home of Coldenknowis and William Douglas, chamberlain of Kelso, for trying to reach Bothwell with letters. Bothwell claimed he had already written to the lords stating his loyalty to the king and dissociating himself from their rebellion.<sup>73</sup> Davidson certainly noted that Bothwell was still 'well affected' and present at court in mid-May and it would seem that any disaffection with the earl on the part of the king was only temporary.<sup>74</sup> What the Stirling rebellion demonstrated to Bothwell was his own increasing political value. At the urging of the king, the earl of Arran made strenuous attempts to re-integrate himself with Bothwell - he recognised that his hold over the king was more tenuous than it had been prior to the Stirling raid and that Bothwell and his forces would be useful allies.

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<sup>70</sup> *CBP*, i, no 217. From Scrope's comments, it would seem that most of these men were from Liddesdale, *ibid.*, no 219. The lords and men of Lothian had already mustered to protect the king, *CSP Scot*, vii, no 53.

<sup>71</sup> *CSP Scot*, vii, no 77. Maxwell and Herries, on the west march, also concentrated on border defence rather than physical royal assistance, *ibid.*, no 220.

<sup>72</sup> *CBP*, i, nos 212, 213.

<sup>73</sup> *ibid.*, no 215.

<sup>74</sup> *CSP Scot*, vii, nos 118, 120; *CBP*, i, no 217. Bothwell was in disagreement with four of his 'chief men' who were most likely to have included John Hamilton, younger of Samuelston, James Ker of Middlemestwall and Alexander Jardine, *ibid.*, no 226.

Bothwell returned to court and tried to affect political favours - he attempted to regain Coldingham,<sup>75</sup> and sought Cockburnspath (which belonged to the earl of Angus and had been promised to lord Home) and advocated rehabilitation for Coldenknowis.<sup>76</sup> His position was not as strong as he imagined however: he could not prevent the execution of the earl of Gowrie,<sup>77</sup> and, although his loyalty may have not have been in doubt, the loyalty of some of his supporters was.<sup>78</sup> During the summer of 1584, it was reported that he bore considerable influence at court and was considered, again, as lieutenant of the south and a reversionary for the crown.<sup>79</sup>

The relationship between Arran and Bothwell was as inconsistent as that between Bothwell and John Maitland of Thirlestane or Bothwell and lord Home: at some times the parties formed close alliances; at others, they wished each other dead. Neither party trusted the other and both feared their opponents' capabilities. Bothwell had matured since his first entrance onto the political scene in 1582 and, by 1585, was more able to organise political contacts based on his own authority and character.<sup>80</sup> In June 1585, Arran again made his peace with Bothwell through the mediations of sir William Stewart (Arran's brother). Bothwell 'long[ed] to have Arran and his wife in handling' but was prepared to ally with the earl until the appropriate opportunity arose. The alliance presented opportunities for favour and advancement.<sup>81</sup> Arran was prepared to ally with Bothwell as

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<sup>75</sup> *CSP Scot*, vii, no 113; *CBP*, i, no 220.

<sup>76</sup> *CSP Scot*, vii, nos 138, 168; HMC, *Twelfth Report*, app. viii, 102.

<sup>77</sup> 'The manner and form of the examination and death of William, earl of Gowrye, May MDLXXXIV', *Bannatyne Miscellany*, i, 91-9.

<sup>78</sup> *CBP*, i, no 226.

<sup>79</sup> *CSP Scot*, vii, nos 138, 297. Despite the rumours, Rothes maintained his lieutenancy, *ibid.*, nos 200, 247.

<sup>80</sup> He was again courting Elizabeth through Walsingham, Burghley, Archibald Douglas and, possibly, William Fowler, HMC, *Marquis of Salisbury*, iii, 117, 154 [misdated 1586]; Meikle, *et al* (edd.), *The Works of William Fowler*, iii, pp. xv-xvi. Bothwell was attempting to reconcile with Home and offered the laird of Buccleuch as a potential bridegroom for Home's sister (despite him being promised to Ferniehurst's daughter), HMC, *Marquis of Salisbury*, iii, 154. He was also undertaking communications with the master of Gray and lords in the north, *CSP Scot*, vii, nos 621, 629, 634; and was involved in communications with Maxwell in the south, *CBP*, i, no 333.

<sup>81</sup> *CSP Scot*, vii, nos 629, 634; viii, no 8.

he [Arran] is in such fear of the earl of Bothwell, that he knows not what to do, for he is the only man that he stands in awe of, and the earl Bothwell menaces very evilly; the master of Gray, the secretary and all of them cannot have the voice that the earl Bothwell may have in the king's presence, without he agreeing with the earl of Arran, which he will never do.<sup>82</sup>

Once again, Bothwell's political manoeuvrings have an air of inconsistency. Once again, they were the cause of mistrust and doubt of motives amongst the rest of the nobility.<sup>83</sup> Once again, however, this inconsistency is only a problem if viewed from a sterile 'centrist' viewpoint. Bothwell's objective as earl (and probably as a person) was to maximise his own opportunity for advancement.

As Bothwell was aware that he had personal short-comings in terms of character, the achievement of such individual preferment relied on keeping the ear of the king, and allying to those who could guarantee favour. In the early summer of 1585, Arran fulfilled this rôle, and, as a result, a policy of alignment with Arran was easy to justify for Bothwell. The alignment, however, was just as easy to break: even in July, it was considered that Bothwell, and three others, while outwardly favouring Arran, were waiting for an opportunity to lodge a complaint with the king, to bring him down.<sup>84</sup>

The death of sir Francis Russell at a border day of truce was such an opportunity.<sup>85</sup> It represented an chance for men such as Bothwell and George Gordon, sixth earl of Huntly, to exert influence on James without requiring to gain access through a 'middle-man'. On 21 August, Huntly arrived at court and, a few days later, so too did Bothwell 'to the great greif of the Arranistes'.<sup>86</sup> James was not convinced of the guilt of Arran and he considered releasing

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<sup>82</sup> HMC, *Marquis of Salisbury*, iii, 154 [misdated 1586].

<sup>83</sup> *CSP Scot*, viii, no 8.

<sup>84</sup> *CSP Scot*, viii, no 2.

<sup>85</sup> Donaldson, *James V to James VII*, 183; Dickinson, W C, 'The death of lord Russell, 1585', *SHR*, xx (1923), 181-6. Bothwell was sent to the border to pursue the killers of Russell but it was felt he would 'wink at it rather than otherwise', *CBP*, i, no 439.

<sup>86</sup> *Hamilton Papers*, ii, no 516; *CSP Scot*, viii, nos 85, 100, 118.



him and restoring him to favour. At this point, Elizabeth 'let slip' the rebel Stirling lords who had been sheltering in England since the failure of their *coup*.

By 15 October 1585 the rebel lords had convened at Kelso - the implication was clear - Bothwell was expected to support their party. With some reluctance, he agreed and subscribed the band to support their cause.<sup>87</sup> Bothwell, who had returned to the border - possibly because of the plague then raging in Lothian<sup>88</sup> - knew he would be less than welcome at court. The previous month, he had come upon David Home, the son of the laird of Manderston, and three companions with a company of forty horse and 'hewed [him]...all to pieces'.<sup>89</sup> While he went unpunished, it was clear he was out of favour - the man who had personally provided over 2,000 troops in 1584 could not provide that number in conjunction with the lairds of Home, Yester, Cesford, Drumlanrig and Coldenknowis, less than a year later.<sup>90</sup>

As in April 1584, English support for the planned *coup* was to be crucial. In October 1585, however, with all the border lords declaring for the rebels, there was no need for the English wardens to muster forces and threaten invasion - indeed Forster promised to stop any English raids into Scotland while the lords and their forces were away.<sup>91</sup> Even as the lords marched north for Stirling, earl Bothwell was uncertain whether he was adopting the correct course of action.<sup>92</sup> It was considered 'all were like to fall in sunder by reason of the lord Bothwell's wavering'.<sup>93</sup>

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<sup>87</sup> *Historie*, 214; Moysie, *Memoirs*, 54; *CSP Scot*, viii, nos 115, 166, 167, 170, 177; *CBP*, i, no 376. This has been interpreted as Bothwell, Home and Coldenknowis 'fortifying' Kelso, Anderson, *Scottish Nation*, i, 357.

<sup>88</sup> Mackenzie, J W (ed.), *A Chronicle of the Kings of Scotland, from Fergus the First, to James the Sixth, in the Year MDCXI* (Maitland Club, 1830), 138-9.

<sup>89</sup> *CSP Scot*, vii, no 304; Calderwood, viii, 275; Lee, *Maitland*, 61. See also below, page 228.

<sup>90</sup> Fraser (ed.), *Caerlaverock*, i, 268.

<sup>91</sup> Tough, *Last Years of a Frontier*, 239. This followed a letter from the 'confederate lords' requesting such action, *CBP*, i, no 382.

<sup>92</sup> *CSP Scot*, viii, no 188; HMC, *Marquis of Salisbury*, iii, 193 [misdated 1586 or 1587].

<sup>93</sup> 'The relation of the Master of Graye, concerning the surprize of the King at Sterling' *Bannatyne Miscellany*, i, 134.

On 2 November, the exiled lords reach Stirling with around 10,000 men.<sup>94</sup> James refused to speak to Angus, Mar or the master of Glamis and sent two royal officers, John Maitland and Lewis Bellenden of Auchnoull, to see if reconciliation could be achieved with two of the more 'moderate' lords - Bothwell, Hamilton, Home and Maxwell (all of whom refused to be separated from their colleagues).<sup>95</sup> Faced with overwhelming opposition, Arran fled the castle and left the king to parley for terms.<sup>96</sup>

As Arran's regime had begun with a sweeping change of royal officers, so it ended: the earl of Mar was to resume his hereditary rôle as keeper of Stirling Castle; the master of Glamis was to become captain of the king's guard; John Hamilton was to receive the keeping of Dumbarton and Lewis Bellenden of Auchnoull, Blackness. Only when it came to the heart of government was there a problem: sir James Home of Coldenknowis was granted the keepership of Edinburgh Castle - a position which Bothwell coveted to buttress his already significant authority in the capital. With the opportunity for the keepership gone, it was reported that the earl was to receive the chancellorship of the realm 'to please him'.<sup>97</sup> However, with James disposed to show favour only to Mar (and tending to ignore Angus and Bothwell) the patronage was suspended and the earl received nothing.<sup>98</sup>

Not only did Bothwell receive no new patronage (only a tack made by him was ratified)<sup>99</sup> but, by the end of the month, he was actually at the horn for failure to pay pensions out of the

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<sup>94</sup> HMC, *Seventh Report*, 430; Pitcairn, R (ed.), *The Autobiography and Diary of Mr James Melville, Minister of Kilrenny, in Fife, And Professor of Theology in the University of St Andrews*, (Wodrow Society, 1842), 223; Fraser (ed.), *Caerlaverock*, i, 268.

<sup>95</sup> *CSP Scot*, viii, no 194.

<sup>96</sup> Birrel, *Diary*, 23; *CSP Scot*, viii, no 193; see also MacDonald, A R, 'The subscription crisis and church-state relations, 1584-1586', *RSCHS*, xxv (1994), 222-55.

<sup>97</sup> SRO, PS1/53, f. 61v-62r; *CBP*, i, nos 388, 389, 390, 391, 393. On 15 November, Maitland received a pension of £1,000, SRO, PS1/53, f. 61v.

<sup>98</sup> *CBP*, i, no 392; *CSP Scot*, viii, no 197.

<sup>99</sup> SRO, PS1/53, f. 80r. Further ratifications followed on 8 December, PS1/53, f. 70r (where he is referred to as 'our traist cousin'); 13 December, PS1/53, f. 75v; and 8 January, PS1/53, f. 79v. Although the original dates of the granting of the tacks are not recorded in the register, such a method of raising finance quickly would be characteristic for someone putting forces in the field.

abbey of Kelso to Thomas Kennedy of Bargany and George Makeson.<sup>100</sup> Regardless of this, Bothwell saw the change of regime as an opportunity to advance his personal interests in a number of matters - he again took the opportunity to press his claim for Coldingham; he communicated with the English warden Forster concerning border affairs; and in the December parliament, he took a prominent position in ceremonial, carrying the sword in procession on the second day (Lennox carried the crown and Angus the sceptre).<sup>101</sup>

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In the period between January 1586 and October 1589, Scottish domestic politics took on a heightened continental aspect. The period was dominated by four international events: the signing of a league with England; the death of Mary, queen of Scots; the crisis surrounding the Spanish armada; and the preparations for James's marriage to Anna of Denmark. In each event, Francis Stewart, earl Bothwell, was a significant factor.

Following the fall from favour of Arran, James VI (aged nineteen) can be considered to have directed governmental policy himself. Throughout the later 1580s, although the basic policy may have been shaped by the monarch, it was influenced by the interests of a number of competing individuals. The period is most closely associated with the political pre-eminence of John Maitland of Thirlestane, who was appointed secretary in May 1584 and chancellor in July 1587 and who dominated central administration until his exile from court in 1592.<sup>102</sup> Maitland was involved in a number of conflicts with members of the nobility but his relationship with Bothwell was, perhaps, the most volatile. The two men were rivals on a variety of local stages - Coldingham, Haddington, Lauderdale, Kelso - however, it was the

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<sup>100</sup> SRO, PS1/53, f. 81v.

<sup>101</sup> *CBP*, i, nos 397, 399; Moysie, *Memoirs*, 55.

<sup>102</sup> Lee, *Maitland*, *passim*; Donaldson, *James V to James VII*, 181, 187-8; Wormald, *Court, Kirk and Community*, 155-6.



importance of central influence which was at the heart of their intermittent feud. Neither man had the consistent support of the majority of their contemporaries, and, through most of the period, they acted as counter-balance to each other's designs. While Maitland regulated the administrative machine in Edinburgh, Bothwell realised populist policies without regard to official sanction, confident that he had the ear of the king and the ability to recover favour almost at will.

Francis Stewart's participation with the 'confederate lords' had been the cause of considerable heart-searching and it was only the physical presence and psychological dominance of the earl of Angus which had kept him in their camp.<sup>103</sup> Bothwell had chosen to support the lords allied against the king not to restrict or control his monarch, but to rid himself of a strong personal rival at court - Arran. Within three months, however, Bothwell was considered malcontent with the new regime and was beginning to regret his precipitate action at Stirling. He blamed his fellow 'confederate lords' for failing to gain him preferment and attempted to ally himself with other members of the nobility (including Arran) who could challenge the dominance of Angus, Mar and the master of Glamis.<sup>104</sup>

Arran's fall from favour took time to impact on the international political situation. In February 1586, a French ambassador, d'Anville, arrived at Leith encouraging general fears of the revival of catholic interests. D'Anville's arrival (which had been arranged six months previously) and his meeting with James (who was residing at Crichton Castle with Bothwell) elicited a rapid response from Elizabeth. Thomas Randolph was dispatched to Scotland to renew negotiations for the Anglo-Scottish league.<sup>105</sup> Each side recognised that the league

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<sup>103</sup> Fraser (ed.), *Douglas Book*, ii, 356.

<sup>104</sup> *CSP Scot*, viii, nos 260, 269, 274, 293, 732, 754; *CBP*, i, no 415.

<sup>105</sup> *CSP Scot*, viii, nos 257, 258, 259; *CBP*, i, no 405. Randolph was afforded a full official welcome and, when conducted to the king's presence, it was the 'Stirling faction' which was most prominent at court, *CSP Scot*, viii, nos 283, 293; *CBP*, i, no 417. Arran reputedly returned to Edinburgh and spoke to the French ambassador through the mediation of Bothwell at Roslin, *ibid.*, no 415, 416; *CSP Scot*, viii, no 258.

might take time to achieve, but, in the end, it was more beneficial than any tenuous Scots-French alliance.<sup>106</sup> Bothwell (who, under Arran in 1584, had attended initial discussions concerning the league)<sup>107</sup> was chosen as chief negotiator due to his knowledge of border and maritime affairs and his 'considerable influence at the Scottish court at this time'.<sup>108</sup>

Bothwell was not the most obvious choice as ambassador - his political motivations seemed mixed: during the spring of 1586, while he had actively encouraged James to engage in border incursions into England, he had also suggested that the king should encourage Scottish participation in the war in the Spanish Netherlands.<sup>109</sup> The master of Gray (whom Bothwell closely associated with)<sup>110</sup> was already well advanced in preparations for sending troops to support the English-backed States General.<sup>111</sup> Despite (or because of) this uncertain political activity, Bothwell was being courted by the English government: William, lord Hunsdon, the queen's cousin, lord chamberlain and governor of Berwick, instigated unofficial communications with Bothwell in an attempt to gain information concerning his intentions on the border.<sup>112</sup> Bothwell responded positively and promised loyalty to Elizabeth and England

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<sup>106</sup> *CSP Scot*, viii, no 260. For more details, see below, pages 270-2.

<sup>107</sup> *ibid.*, vii, no 248.

<sup>108</sup> *ibid.*, no 497; Read, C, *Mr Secretary Walsingham and the Policy of Queen Elizabeth*, 3 vols (Oxford, 1925), iii, 191.

<sup>109</sup> HMC, *Marquis of Salisbury*, iii, 135, 140.

<sup>110</sup> Patrick, master of Gray (later sixth lord Gray), had, in 1585, married Bothwell's cousin, Mary Stewart. Gray had been educated at St Andrews and in France and was well known to James Beaton, archbishop of Glasgow. A highly dubious protestant, he acted as an agent for Mary, queen of Scots, but also had close communication with her gaolers. He had been active in continental affairs since early 1586 but was trusted by neither side. A gentleman of the king's bedchamber, he was prominent during the Arran regime and a political rival of John Maitland until his temporary disgrace in 1587, *DNB*, xxiii, 12-16; *Scots Peerage*, iv, 285-6; Calderwood, iv, 253; Labanoff (ed.), *Letters of Marie Stuart*, vi, 80, 123; *RPC*, iv, 166; Pitcairn (ed.), *Criminal Trials*, i, 157-8; *CSP Scot*, vii, *passim*; viii, *passim*; Thomson, T (ed.), *Letters and Papers Relating to Patrick, Master of Gray* (Bannatyne Club, 1835), 149-51; McElwec, W, *The Wisest Fool in Christendom* (London, 1958), 66.

<sup>111</sup> HMC, *Marquis of Salisbury*, iii, 135 140; *CSP Scot*, viii, nos 338, 398, 425, 426, 437, 452, 502, 544, 636, 672, 732; ix, no 135. A few of Gray's troops and mariners were close Bothwell associates, *CSP Scot*, viii, no 437. For further discussion of Scottish involvement in the Low Countries, see, Dunthorne, H, 'Scots in the wars of the Low Countries, 1572-1648', *Scotland and the Low Countries, 1124-1994*, ed. G G Simpson (East Linton, 1996); Ferguson, J (ed.), *Papers Illustrating the History of the Scots Brigade in the Service of the United Netherlands, 1572-1782. Extracted by Permission from the Government Archives at The Hague*, 3 vols (SHS, 1899-1901).

<sup>112</sup> Read, *Secretary Walsingham*, iii, 191.

(although the English were aware that this promise would not actually compromise his behaviour on the border).<sup>113</sup>

Some about the king were less certain of the benefits of the league and concerned for the implications for diplomatic relations. As a precautionary measure, several lords approached James and petitioned that none absent from the Stirling *coup* should be present at court. Bothwell refused to join the petition, stating that he would no longer offend the king. The earl had been stung by James's continued impression of betrayal following the Stirling raid (when the king asked the earl 'When did I ever wrong thee?') and had been forced to re-assess his loyalties.<sup>114</sup>

Following the successful conclusion of the league with England in July 1586, Bothwell returned to more prominent favour at court. Along with the earl of Huntly he was chosen to sail to Denmark to conduct the negotiations for the king's marriage to the princess of Denmark.<sup>115</sup> Although neither Huntly nor Bothwell ultimately embarked, the earl was again chosen to act as ambassador in November 1586, on this occasion in an attempt to secure the life of his aunt and god-mother, Mary, queen of Scots.<sup>116</sup> Bothwell was reportedly preparing to leave on the embassy on 20 December,<sup>117</sup> but, a few days prior to that he was reported as 'stayed' - Elizabeth would not grant him, or any earl, a passport.<sup>118</sup> Whether Elizabeth ever intended to consider seriously the Scottish approach, the execution of Mary on 8 February 1587 ensured that the next pressing concern of Bothwell and the rest of the Scottish political elite was their response to regicide.

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<sup>113</sup> HMC, *Marquis of Salisbury*, iii, 135. Bothwell had previously dealt with Hunsdon in an official capacity on the border, *CSP Scot*, vi, no 382. As Bothwell became more involved in politics, he communicated regularly with the English court through Walsingham and, his principal point of contact, Archibald Douglas (his step-father), HMC, *Fourth Report*, 226; *Fifth Report*, 261, 262, 264.

<sup>114</sup> *CBP*, i, no 422; Watson, G, *Bothwell and the Witches* (London, 1975), 48.

<sup>115</sup> See below, pages 273-4.

<sup>116</sup> See below, pages 272-3.

<sup>117</sup> HMC, *Marquis of Salisbury*, iii, 202.

<sup>118</sup> *ibid.*, iii, 204. The report was from Samuel Cockburn of Templehall who was due to accompany the earl south in his company.



Bothwell's proposed response to Mary's death, on behalf of the Scottish nobility, was a physical show of strength on the border. He took unkindly to James's low-key response and criticised his choice of mourning clothes as opposed to armour.<sup>119</sup> James would not countenance any blatant action and, instead, ordered Bothwell to give redress for any incursions over the border.<sup>120</sup> The king, however, did make some concessions and finally recognised the exiled James Beaton, archbishop of Glasgow, as his official ambassador in France.<sup>121</sup>

The English correspondents in Scotland certainly saw Bothwell as one of their most hostile opponents (along with John Hamilton) although, as usual, they exaggerated his influence and jumped at shadows.<sup>122</sup> Bothwell kept around him a small nucleus of troops gathered from his border possessions and these were probably involved in sporadic raids into England under the command of William Ker of Ancrum, a Bothwell associate.<sup>123</sup> The earl did not help himself by displaying a negative attitude towards the English - it is possible he was involved in intercepting English mail near Coldingham and 'beyond Haddington';<sup>124</sup> and, when his men captured a servant of sir Thomas Grey's in the borders purchasing horseflesh, the earl reportedly threatened to hang him purely because he was an Englishman.<sup>125</sup> Towards the end

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<sup>119</sup> *CSP Scot*, ix, no 310.

<sup>120</sup> *HMC, Marquis of Salisbury*, iii, 260, 262.

<sup>121</sup> *CBP*, i, no 499.

<sup>122</sup> *CSP Scot*, ix, no 305; Lee, *Great Britain's Solomon*, 71; Mathieson, W L, *Politics and Religion in Scotland, 1550-1695*, 2 vols (Glasgow, 1902), i, 259. The English correspondent (possibly Roger Aston) felt this was no cause for concern as 'Hamilton and Bothwell...are not the wisest in the world'. John Hamilton was generally considered 'a fool' and, reportedly, was ruled by Claud Hamilton, his catholic sympathising younger brother, Elder, J, *Spanish Influences in Scottish History* (Glasgow, 1920), 135. For the English response to the border threat, see *CBP*, i, nos 486, 489, 491.

<sup>123</sup> *CSP Scot*, ix, no 310; *CBP*, i, no 499. The English considered James 'winked at' such expeditions, although, in some cases, his response was very different, *ibid.*, 490, 491; Brown, 'Dryfesdale Sands', 69. William Ker of Ancrum, reportedly, had been involved in the killing of sir Francis Russell (see above, page 155) and had only recently returned to the king's favour through Bothwell's intercession, *CBP*, i, nos 336, 346, 359, 397, 440, 492, 501.

<sup>124</sup> *CBP*, i, no 490.

<sup>125</sup> *ibid.*, nos 493, 494. This is a definite English interpretation of the situation - Bothwell may have seen himself as upholding the law, preventing cross-border sales, *CBP*, i, nos 168, 601; *APS*, iii, 426; *RPC*, iv, 104, 116, 159. Three months later, Bothwell 'captured' another Englishman in Scotland.

of March, sir John Forster, English warden of the middle march, grew concerned that the earl had between 500 and 600 men from Liddesdale, Teviotdale and Eskdale at Crichton. The warden interpreted these forces as hostile and aimed at engineering his death. In fact, a week later, Bothwell's forces formed the backbone of the king's army which marched to the border to uphold justice in the area and attempt to apprehend lord Maxwell.<sup>126</sup>

In May 1587, Bothwell was still active on the border administering justice and assisting the lieutenant, the earl of Angus.<sup>127</sup> In June, he received his reward - a re-grant of the earldom of Bothwell with increased powers as admiral and official recognition of his rights in Liddesdale.<sup>128</sup> Although there were some raids into England from Liddesdale in the months immediately succeeding Mary's death, they averaged one a month and were less frequent than raids from other border areas such as Teviotdale.<sup>129</sup> Throughout the autumn and winter of 1587/8, Bothwell pledged himself for good conduct on the border and stood surety for less reliable Liddesdale and Teviotdale free-booters.<sup>130</sup> Bothwell's overall attitude to England did not change, although it was, on occasion, tempered to co-incide with governmental scepticism. By autumn 1587, the closeness between Angus and Bothwell had broken down. In the parliament of July 1587, Angus had backed the earl of Crawford ahead of Bothwell in a dispute over precedence<sup>131</sup> and, three months later, the younger man had accused his brother-in-law of being a traitor.<sup>132</sup> Angus had always been able to dominate Bothwell by dint of his personality and connections, however, Archibald Douglas was ill and feared that Bothwell

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He was taken before the king whom, it was claimed, he intended to poison. James did not believe the accusation, HMC, *Marquis of Salisbury*, iii, 260.

<sup>126</sup> CBP, i, nos 501, 503, 504.

<sup>127</sup> RPC, iv, 179. Like Bothwell, Angus was also fulfilling a double rôle of upholding justice while promoting anti-English raids, CBP, i, no 572. Both earls continued in an active stance against Maxwell, having themselves appointed curators to the young laird of Johnstone, Fraser (ed.), *Annandale*, i, p. cviii.

<sup>128</sup> RMS, v, no 2126; RPC, iv, 197.

<sup>129</sup> HMC, *Laing Manuscripts*, i, 59. Carvell commented that the raids that did take place were 'all by means of earl Bothwell', CBP, i, no 520.

<sup>130</sup> RPC, iv, 197, 211, 213, 227, 240, 258, 275; CSP Scot, ix, no 384.

<sup>131</sup> *ibid.*, no 523; HMC, *Marquis of Salisbury*, iii, 280; Calderwood, iii, 640.

<sup>132</sup> CBP, i, no 556.

was receiving more recognition on the border for his activities than he was as lieutenant.<sup>133</sup> Francis Stewart continued to be at the forefront of border policy (with James's covert backing)<sup>134</sup> mixing justice with deniable raids. His actions found favour with his border tenants but caused anxiety amongst other governmental representatives (as he refused to *make* redress for past border raids).<sup>135</sup> While such duplicity was politically controversial both in Scotland and England, Hunsdon considered another possibility - that neither Bothwell nor James were strong enough to impose their will on the border - they were swept along on a tide of local reaction and attempted to impose limited political control in a difficult position.<sup>136</sup>

The second half of 1587 saw enhanced central control by John Maitland of Thirlestane. At the July parliament, it had been rumoured that Maitland was not only to be made chancellor but also earl of March and lord of Lauderdale - all of which offices placed considerable restrictions on the authority of Bothwell.<sup>137</sup> Bothwell's response was in character - he vowed 'to make a sacrifice of him'.<sup>138</sup> Despite this visible animosity, it is arguable whether Maitland or Bothwell came out best after the July parliament - Bothwell was confirmed as one of the

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<sup>133</sup> *CBP*, i, nos 560, 574. If Bothwell did not personally instigate raids, his support was tacit. For example, in November 1587, his master of the horse, pennant and trumpet were recognised at a raid. Although he denied any involvement, the plunder taken to Hermitage Castle in Liddesdale where it was split, *ibid.*, 570, 572.

<sup>134</sup> *CBP*, i, 560, 570. The earl was the only nobleman at court with the king.

<sup>135</sup> *CBP*, i, nos 409, 491, 500, 525 enc., 555, 556, 563, 568, 574.

<sup>136</sup> *HMC, Marquis of Salisbury*, iii, 292. James certainly saw Bothwell as a means to control some of the more violent Scottish raiding parties, such as those led by Walter Scott of Buccleuch (the earl's teenage step-son), *RPC*, iv, 202.

<sup>137</sup> *CBP*, i, no 523; *CSP Scot*, ix, no 367. Maitland had pursued a vocal policy advocating revenge for Mary's death - *CBP*, i, no 528; Gordon, *Political Career of Francis Stewart*, 74. For further discussion, see Macpherson, R G, 'Perception politics: Francis Stewart, fifth earl of Bothwell and James VI', *Freedom and Authority, 1050-1700*, edd. D Ditchburn and T Brotherstone (East Linton, forthcoming).

<sup>138</sup> *CSP Scot*, ix, no 367; *CBP*, i, no 579; Lee, *Maitland*, 155. Lee considers the hatred which Bothwell and Hamilton demonstrated towards Maitland was partly due to their resentment of the chancellor's animosity to the noble class, Lee, *Great Britain's Solomon*, 71. In autumn 1587, there was certainly resentment over other issues - following the king's revocation, Maitland and Bellenden of Auchnoll had secured the feu of Orkney over the head of Robert Stewart, earl of Orkney (Bothwell's uncle) and offered to pay the treasury the old rental value, *RMS*, iv, no 1354; Balfour, D (ed.), *Oppressions of the Sixteenth Century in the Islands of Orkney and Zetland* (Maitland Club, 1859), pp. lii-liv; *HMC, Marquis of Salisbury*, iii, 260, 282; Anderson, *Robert Stewart*, 112-8; Lee, *Maitland*, 130, 160.



members on the privy council;<sup>139</sup> the long-running dispute over Coldingham Priory was settled in his favour; in the act annexing former church lands to the crown, Kelso, Coldingham, Lesmahagow and all personal benefices were exempt (which left Bothwell's patrimony untouched);<sup>140</sup> and Maitland was not created earl of March and lord of Lauderdale but, instead, only bailie of Lauderdale (a style Bothwell held).<sup>141</sup> Indeed, as an expression of favour, little could upstage the confirmation of the re-grant of the earldom of Bothwell given to Francis Stewart the month before. Following the king's revocation, not only did Bothwell increase his authority in Liddesdale and as admiral but all of the earldom's lands, mortgaged or sold by his predecessors, were to be returned to him 'without any suit but a charge to enter'.<sup>142</sup>

By the start of 1588, the pro-English Scottish administration had weathered the storm brought about by the death of Mary. Maitland and Bellenden of Auchnoull, despite the occasional action which managed to perturb the English ambassador (and the odd member of the king's council), were firmly in control of official affairs. King James, after a period of greater tolerance regarding the diversity of political opinion within Scotland, resumed a more pronouncedly pro-English course and re-instigated covert communications with English governmental officials.<sup>143</sup>

<sup>139</sup> *RPC*, iv, 202. He first had attended the privy council in 1586, *ibid.*, 84.

<sup>140</sup> *APS*, iii, 431-7; Lee, *Maitland*, 138-43. Lee sees the exemption as an attempt to 'bribe, neutralise...or control' the earl Bothwell. The re-allocation of church lands was a cause of discontent to other members of the nobility, *CSP Scot*, ix, no 367.

<sup>141</sup> For discussion of the significance of the parliament, see Lee, *Maitland*, 120-54. For discussion of the trading of offices between Maitland and Bothwell, see below, page 230.

<sup>142</sup> *CBP*, i, no 528. The confirmation was not legal and was opposed by a number of people who would have lost lands and rights acquired by their families during the previous two generations. The court of session suspended the re-grant and it was ultimately cancelled. Bothwell was placed under interdict preventing him from entering transactions relative to his newly re-acquired lands, *APS*, iii, 595-6; SRO, RD1/31, 168; Goodare, J, *Parliament and Society in Scotland, 1560-1603* (unpublished Ph.D., Edinburgh, 1985), 52.

<sup>143</sup> *CSP Scot*, ix, no 430; *CBP*, i, nos 572, 574, 578, 582. The messenger used by the king to renew communications with Hunsdon, in Berwick, was Robert Hepburn, the master of the household of Francis Stewart. On 8 December, Hunsdon informed Burghley

the king is none so far gone, but that if her majesty will deal kindly with him,

Despite the earl's dislike of the weakness of the official governmental response to Mary's death, his was the most obvious name missing from a group of discontented nobles implicated in a plot to overthrow Maitland and force a more permanent break with England in February 1588.<sup>144</sup> His highly ambiguous position - openly advocating minimal response but actively encouraging more serious actions - had allowed him to court the favours of both Maitland and the catholic earl of Huntly in an attempt to secure for himself, or one of his party, offices of favour.<sup>145</sup>

Bothwell's official situation permitted him (along with John Carmichael of that ilk, Maitland's relative) to re-instigate formal cross-border negotiations in March 1588. Although these negotiations ended as quickly as they had begun, the following June, Bothwell was still involved in discussions with English officials at a local level.<sup>146</sup> Bothwell's strong anti-English reputation also was appreciated by the government however, and the earl acted as a go-between for a number of more enigmatic royal contacts: in January 1588, Bothwell made representations in favour of the exiled bishop of Dunblane, William Chisholm;<sup>147</sup> he maintained close links with Mrs Kennedy, a serving woman who had attended Mary, queen of

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he may be brought back again - but the matter must be very secretly handled, for the king sent me word plainly that he will deal with no man in England but myself, nor with no man in Scotland but the earl Bothwell and Mr Hepburn, who must be the messenger between the king and me

James utilised Archibald Douglas (Bothwell's step-father) to re-instigate communications at the English court, *CBP*, i, no 579. Bothwell also carried out communications with Hunsdon through Cuthbert Armourer, the Englishman's messenger, who had previously been very close to James Stewart, earl of Arran, *ibid.*, no 536.

<sup>144</sup> *CSP Scot*, ix, no 435; *CBP*, i, nos 587, 589.

<sup>145</sup> *CSP Scot*, ix, no 438. The office of captaincy of the guard was one of the factors behind a confrontation between Bothwell and the master of Glamis. The position, promised to the master of Glamis only weeks before, had been recently granted to Alexander Lindsay, the future lord Spynie. Spynie, who was close to both Huntly and Bothwell, was inimical to the master of Glamis, Moysie, *Memoirs*, 71; *CSP Scot*, ix, nos 441, 545, 547, 549, 564.

<sup>146</sup> *CBP*, i, no 602; *CSP Scot*, ix, no 467.

<sup>147</sup> *CBP*, i, no 586. He had returned to Scotland to try to tempt James into a more pro-active policy concerning intervention in England.

Scots, until her death;<sup>148</sup> and, in March 1588, Bothwell became responsible for the custody of Mr William Crichton, a leading Scottish jesuit, 'with his highnesses tolerance and permission'.<sup>149</sup> Although the earl's actions were inconsistent, and earned him the distrust of his fellow nobles, they allowed the Scottish government to remain in contact with both catholic and protestant interests while openly advocating a more conciliatory policy towards Elizabeth in England.<sup>150</sup>

The fulfilment of such a subtle rôle in early 1588 has meant that it has become easy to accuse the earl of half-hearted support for Scottish governmental actions at the time of the Spanish armada. It is considered that he failed to complete his official obligations and operated with darker motives in mind in that he secretly planned to use the defensive forces raised to assist the Spaniards should they land in Scotland.<sup>151</sup> Such analysis is largely based on contemporary English paranoia and subsequent over-simplification of a complex situation. Bothwell, Huntly, Maitland and James had all been involved in underhand political manoeuvring in the six months prior to the armada threat. Although James had pledged his personal support to Elizabeth (in return for the renewal of his annuity) he must have been aware of the attractiveness of benevolent neutrality.<sup>152</sup> Such neutrality was nothing new - it was an attitude that the large part of the Scottish nobility adopted whenever difficult decisions had to be made.

<sup>148</sup> *CBP*, i, no 586. Bothwell sought to purchase Mary's final belongings and would 'pay the uttermost price' for them, *HMC, Marquis of Salisbury*, iii, 282. Mrs Kennedy was probably Jane Kennedy, wife of Andrew Melville of Garvock, master of the household. She served as lady-in-waiting to Mary and was summoned to perform the same rôle for Anna. (She died, however, before the queen reached Scotland, in 1589.) I am grateful to Dr Julian Goodare for this information.

<sup>149</sup> Duncan, W J (ed.), *Miscellaneous Papers, Principally Illustrative of Events in the Reigns of Queen Mary and King James VI* (Maitland Club, 1834), 42.

<sup>150</sup> *CBP*, i, no 589. In mid February, Bothwell and the master of Glamis exchanged insults in the royal bedchamber and sought to settle their differences by armed combat, Moysie, *Memoirs*, 71; *CSP Scot*, ix, no 441. It led to acute paranoia and, at a convention held in July 1588, 'Bothwell was set round about with mirrouris because he wald nocht that ony sald secure him', *SRO*, GD75/563.

<sup>151</sup> *DNB*, xxvi, 142. See also, *CSP Scot*, ix, no 502.

<sup>152</sup> *CBP*, i, no 614; *CSP Scot*, x, no 8. James was 'not fully satisfied with the resolution and the money, already taken and sent to him'.



By 29 July, Asheby, the new English resident in Scotland, was aware that the armada had sailed and had been sighted off the south-west coast of England five days earlier.<sup>153</sup> Maitland was informed the next day, James was recalled to the capital from a hunting expedition in Fife and Bothwell was commanded to his charge of the admiralty.<sup>154</sup> However, the armada was not the only concern around the Scottish court: the staunchly protestant and pro-English earl of Angus was 'sick with flux and burning ague';<sup>155</sup> and, on 30 July, Bothwell encountered sir William Stewart on the main street of Edinburgh and, after a confrontation in one of the side closes, murdered him.<sup>156</sup> The matter which caused the sudden explosion of violence was little more than exaggerated name calling, however, it had a perceptible effect on both domestic and foreign relations. Bothwell, already suspected by English correspondents of anti-English sympathies, and the person most responsible for the immediate Scottish response to any Spanish threat, had killed one of the most pro-English of courtiers and someone who had held in custody one of the most assiduous of catholic lords - John, lord Maxwell. As one of James's closest associates and a vital cog in the Scottish military preparations, Bothwell went unpunished, perhaps because his actions had been 'to the confortt of mony of the pepill'.<sup>157</sup> Asheby, however, acting in an unfamiliar situation and in a highly charged atmosphere, faced with the loss of two of the strongest supporters of his government and its position, sought to bind James closer to the English cause by offering the king an English dukedom (with revenues), an annual pension of £5,000 sterling, a paid guard of fifty men and a further 100 men on horse and foot to pacify the border.<sup>158</sup>

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<sup>153</sup> *CSP Scot*, ix, no 478.

<sup>154</sup> *ibid.*, nos 478, 489.

<sup>155</sup> *ibid.*, no 478.

<sup>156</sup> *Historie*, 237; Moysie, *Memoirs*, 69; *CSP Scot*, ix, no 478; Mackenzie (ed.), *Chronicle of the Kings of Scotland*, 141; Birrel, *Diary*, 24 [misdated 1587]; Brown, *Bloodfeud*, 24. Unconcerned by the consequences, Bothwell broke open the town gates (which had been locked following the disturbance) and retired to his lodgings, *CSP Scot*, ix, no 482.

<sup>157</sup> Mackenzie (ed.), *Chronicle of the Kings of Scotland*, 141. At a time when the realm was in great danger, the murder of William Stewart also put considerable strain on the Stewart family relationships around the king, Moysie, *Memoirs*, 69.

<sup>158</sup> *CSP Scot*, ix, nos 485, 490, 493.

The Scottish counter-measures against the armada was never required to be tested. That counter-measures had been prepared to a viable level remains speculative, but, late in August 1588, Bothwell sought royal permission to use some of the ships and assembled troops - estimated between 10,000 and 12,000 in Lothian alone - to carry out a raid on the Western Isles, to combat on-going problems in that area.<sup>159</sup> The English were forced to radically reassess the Scottish situation: Asheby realised his offers to James had been made unwisely and that he had greatly overstepped his commission; sir Philip Sidney, also then in Edinburgh, attempted to moderate the resident's views concerning Bothwell. He conceded

Bothwell is said to be no dissembler but because of his uncertainness it is not sure how long it will last. It is said now he runs the king's course, and, as I am credibly made to believe, [he] may easily be won, and only looks to be sought unto.... I am likewise assured that the men he takes up be for the conquest of Lewis and that they are not paid in Spanish money as it was reported. He goes not himself, but sends captain Hackerston. In my opinion, if he might be won it were not amiss, for the king favours him, he is valiant and very much followed.<sup>160</sup>

The plan to invade the Western Isles (like the Spanish plan to invade England) did not materialise. Hackerston's mariners and the accompanying soldiers (numbering around 600) reconsidered their objectives and began a campaign of piracy against the Scottish east coast burghs.<sup>161</sup>

<sup>159</sup> *CSP Scot*, ix, no 502. James's later view was that '[those] that dwelleth in the Isles, and are utterly barbarous, without any sort or show of civility', Craigie, J (ed.), *The Basilicon Doron of King James VI*, 2 vols (STS, 1944-50), i, 71.

<sup>160</sup> *CSP Scot*, ix, no 505. For further information, see *ibid.*, nos 509, 528.

<sup>161</sup> *ibid.*, no 542.

In the aftermath of the armada, Bothwell was reported as still flirting with the Spanish cause, yet he remained in favour at court.<sup>162</sup> It was noted that Bothwell continued to entertain Spanish captains in his lodgings, although as admiral, he would have expected to: it was one way to ensure receiving ransom money for their return.<sup>163</sup> Such ostentatious association with anti-English interests allowed assumptions to be made on the part of English correspondents: to Asheby he was 'an undertaking man' and 'fickle' which meant 'no party is sure [of] him; [he is] feared of both sides, trusted of neither';<sup>164</sup> while to Fowler he was 'unruly' and displayed 'no religion'.<sup>165</sup> The earl's threat was dismissed, however, as it was said, sarcastically, that 'Bothwell will conquer England with words'.<sup>166</sup>

Through the winter of 1588/9, as Bothwell continued to ally with anti-English interests, an increased detachment developed between the king and the earl. James feared the intentions of Bothwell but also those of Huntly who was equally discontent. The one factor which limited James's concern was that both earls were also enemies of each other.<sup>167</sup> Maitland encouraged the comital dispute and quietly hoped that Bothwell would push Huntly from court or even kill him.<sup>168</sup> Bothwell faced the prospect of political rejection in Scotland and also further afield - his petitions for reconciliation with Elizabeth repeatedly went unanswered.<sup>169</sup> The earl retired to his estates and restricted his political involvement at court (although he was surrounded by

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<sup>162</sup> *CSP Scot*, ix, nos 578, 588; x, nos 16, 18; Calderwood, v, 7, 26, 29, 33, 34. Some of the earl's followers, such as Hackerston, similarly were suspected of pro-Spanish sympathies. However, the suspicion against Bothwell and his motives did not diminish. Early in October, Selby wrote Bothwell and Huntly received sums of gold from the Jesuits in Huntly's house, wherewith Bothwell has paid his soldiers which he lately took up, and expects that more should come shortly, *CSP Scot*, ix, no 529.

<sup>163</sup> *ibid.*, nos 578, 588.

<sup>164</sup> *ibid.*, no 584.

<sup>165</sup> *ibid.*, no 599; x, no 16.

<sup>166</sup> *CSP Scot*, ix, no 588; Melville, *Memoirs*, 318-9. The price of Bothwell's support was, allegedly, the retention of the abbeys of Kelso and Coldingham should there be a change in government, Spottiswoode, ii, 392.

<sup>167</sup> *CSP Scot*, ix, nos 577, 583, 584.

<sup>168</sup> *ibid.*, no 588.

<sup>169</sup> *ibid.*, no 598.



troops which had been levied for the expedition to the Isles).<sup>170</sup> While away from Edinburgh, Bothwell was subject to increased rumour and speculation with the result that the earl became increasingly concerned regarding the authority and influence exercised by the chancellor.<sup>171</sup> Bothwell considered that the king, in reality, was impotent, constrained by Maitland and likely to do nothing to preserve his own honour. The earl suggested that if James did not wish to do anything himself, he should at least allow 'your subjects to play our parts'. James, still tempted to play each side off against the other, agreed to allow Bothwell to correspond with the duke of Parma.<sup>172</sup>

Early in 1589, the international situation again impacted heavily on Scottish affairs: news of the death of the duc de Guise in January caused fear that England would have less reason to court Scottish favour.<sup>173</sup> This coupled with the interception of letters to Spain from the earl of Huntly in February caused considerable concern at the Scottish court.<sup>174</sup> Bothwell conferred with Huntly and went into the council chamber to plead the cause of the imprisoned nobleman.<sup>175</sup> Such action clearly demonstrates the increased maturity of attitude shown by the earl since his arrival back in Scotland seven years before - in 1582, Bothwell had had to rely

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<sup>170</sup> *CBP*, i, no 641; Spottiswoode, ii, 393.

<sup>171</sup> *CSP Scot*, ix, no 597; x, no 19; *RPC*, iii, 821 Bothwell was reported as being only one of a party of ten noblemen who were united in opposition to John Maitland. He was again reported to be protecting jesuits. This was despite holding a commission to prosecute jesuits in Lothian, *ibid.*, iv, 301. The jesuits had convinced Huntly to reconvert to catholicism from his professed protestantism (which had been secured by James).

<sup>172</sup> *ibid.*, nos 600, 602. Parma previously had written to Bothwell with offers of great entertainment if he would serve Spain. Bothwell was sympathetic to the approach but would not act without the king's permission - James had refused, *CSP Scot*, ix, nos 561, 565.

<sup>173</sup> *CSP Scot*, ix, no 575.

<sup>174</sup> *ibid.*, no 591; Donaldson, *James V to James VII*, 189. Bothwell's allegiances were generally suspected, however, the earl (along with Huntly and Crawford) bore 'such sway at court that no justice can be gotten...of Liddesdale for bills filed before the commissioners at Berwick', *CSP Scot*, ix, nos 531, 542, 557.

<sup>175</sup> *CSP Scot*, ix, nos 593, 594; x, no 2. There were strong rumours that the whole affair may have been feigned, *ibid.*, ix, nos 594, 598. James regarded Huntly well for the same reasons he had regarded Bothwell well in the early 1580's - he was young, jovial, well connected, a flatterer and 'no dealer in the matters of state'. James also appreciated that he always did what was requested of him by others. Robert Bruce, a jesuit, appreciated the same virtue - he knew the Catholic lords would not be without Huntly for long as long as he had 'good counsel' about him, *ibid.*, x, nos 3, 11.

on the personal favour of the king to guarantee his credit at court; in 1589, even when out of favour with James, the earl conceived himself powerful enough to petition the king's main administrative body for a less than popular cause. It was recognised that any action was to be directed principally against the chancellor, however, it was also conceded that it was possible that the king would be swept along in the changes.<sup>176</sup>

Without regard to the rumoured conspiracies, James intended to reconcile Huntly and Maitland and form a party based on the wide-spread support of nobility and administrators. To that end, on the morning of 13 March the king went hare coursing with Huntly and Bothwell - two of his less usual hunting companions.<sup>177</sup> News received from Edinburgh that the town had risen in arms meant Huntly abandoned the hunt and rode for his house in Dunfermline. Fowler suggested that James was acting 'from fear more than anything else' and suggested (along with Asheby) that English money and support was required to rectify the situation.<sup>178</sup> Bothwell attempted to retain the favour both with the king and Huntly. The earl convened with Huntly, Crawford and Erroll at Dunfermline and returned to Edinburgh to communicate a message from the group. Huntly, however, did not trust the earl to accurately relate the demands of the group and sent his own messenger to convey the proper facts of the situation.<sup>179</sup> Such action served two purposes - it undermined Bothwell's position at court by playing on one of his known weaknesses - his reliability - and it made Huntly seem more trustworthy.

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<sup>176</sup> *CSP Scot*, x, no 15.

<sup>177</sup> On 7 March, Huntly had been released from Edinburgh Castle and spent the night in the king's bedchamber. After talking theology through the night, James managed to convince Huntly to abandon catholicism for the protestant faith. The next morning, Huntly received the position as captain of the king's guard. Soon after 100 horse were raised for James's protection under the control of the chancellor - Huntly felt these threatened his new position. On 9 March Huntly dined with the king and on 13 March, James was again invited to a meal. Moysie relates that one of the meals prepared for the king was in William Fowler's house, Moysie, *Memoirs*, 73. As well as being a prominent Edinburgh burgess, Fowler was parson of Hawick and under the patronage of Bothwell. On the afternoon of 12 March, James was forced by the privy council to strip Huntly of the captaincy of the guard.

<sup>178</sup> *CSP Scot*, x, nos 2, 4, 5, 6, 7; *CBP*, i, no 641; Moysie, *Memoirs*, 73.

<sup>179</sup> *CSP Scot*, x, no 9.

Others at court, notably Maitland, also continued to undermine Bothwell's position. By 2 April, the efforts appear to have worked - Bothwell's position was no longer tenable and James ignored the earl when he attended court. Francis Stewart immediately left Edinburgh for Crichton and raised 100 men before he marched on to Kelso where he attempted to raise the borders.<sup>180</sup> On 6 April, Bothwell made a speech to his forces proclaiming that James was being misguided, that 3,000 English troops were being mustered on the border to 'oppress [the] ancient nobility', and that the chancellor had been 'bought and sold by English gold'.<sup>181</sup> Bothwell claimed he was aware of the king's inner-most feelings and that James desired them to 'deliver the realm from the tyranny of those who murdered the king's mother [Maitland]'.<sup>182</sup> Bothwell attempted to raise the whole extent of his manpower, however, he did not get the response he anticipated.<sup>183</sup> Those who did back the earl included the lairds of Restalrig, Greenhead and Ferniehurst, Robert Maxwell and various Turnbells, Elliots and Armstrongs.<sup>184</sup> Although the lords Seton and Herries and the master of Livingston also were meant to meet with Bothwell, other of the earl's border associates such as lord Home and the lairds of Buccleuch, Cesford and Johnston refused to join Bothwell until they had seen a physical warrant from the king.<sup>185</sup>

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<sup>180</sup> *CSP Scot*, x, no 22.

<sup>181</sup> HMC, *Marquis of Salisbury*, iii, 404. Maitland was accused of practising for Mary's death; planning to deliver James to Elizabeth; plotting to bring 3,000 English soldiers into Scotland; accepting money to prevent James seeking revenge; drawing James to the English court and wrecking the nobility; debasing the coin for his own personal enrichment; and seeking the crown for the Hamiltons (his relatives), *CSP Scot*, x, nos 52, 54.

<sup>182</sup> *ibid.*, no 848; *CSP Scot*, x, no 27.

<sup>183</sup> *CSP Scot*, x, no 28.

<sup>184</sup> *ibid.*, nos 32, 68. Robert Maxwell was the illegitimate brother of, and depute for, lord Maxwell on the west march. Lord Maxwell was then in prison in Blackness Castle.

<sup>185</sup> *ibid.*, no 30, 51; HMC, *Marquis of Salisbury*, iii, 404; *CSP Scot*, x, no 27. Buccleuch did not attend but sent his men; Home was dissuaded by the lairds of Coldenknowis and Huttonhall. Burghley felt that a small sum of money secretly given to one of these lords would lead to the quick apprehension of Bothwell, HMC, *Marquis of Salisbury*, iii, 319 [misdated 1588]. An English correspondent suspected that some of the earl's force was made up of mercenaries (the implication being they were in Spanish pay), however, there would seem to be no definite proof, *CSP Scot*, x, no 32.



By the early morning of 7 April, the situation had got perceptibly worse for the king: it was reported that Bothwell was riding hard for the capital in an attempt to seize James and Maitland and could be there before noon. This information, combined with news that a northern force, under the earls of Huntly, Erroll and Crawford, had reached Brechin and were attempting action against the house of the master of Glamis, caused James, at 3 am, to take horse and ride for his capital (while rapidly dispatching letters to loyal lords requiring attendance on his person).<sup>186</sup> Bothwell halted his horse at Dalkeith, and, on 9 April, watched as James marched out of Edinburgh for the north, with 140 horse - leaving the capital undefended except by its burghers.<sup>187</sup>

Asheby reported that the whole plan (known as the Brig o' Dee rebellion) was 'not without the privity of the king' and that Bothwell was in constant contact not only with Huntly in the north but also with Hunsdon in London, Woddrington in Berwick, Asheby in Edinburgh, and king James.<sup>188</sup> While the concerns of the rebels primarily were domestic and may have been little more than a charade for the purpose of gaining funds from Elizabeth, it is understandable that the English reporters attempted to make sense of James's actions (which were not the conditioned responses they expected of a strong king) in simplified terms.<sup>189</sup> Maitland perceived the action to be extremely serious and employed two of Bothwell's trusted representatives - David Collace and captain Hackerston - to offer the earl peace terms:

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<sup>186</sup> *CSP Scot*, x, no 27; Calderwood, v, 54.

<sup>187</sup> Calderwood, v, 54; Spottiswoode, ii, 395; HMC, *Marquis of Salisbury*, iii, 404; *CSP Scot*, x, no 34; *Moysie*, 74. On 10 April, the privy council ordered earl Bothwell and the other rebel lords to surrender their castles to the crown, *RPC*, iv, 373.

<sup>188</sup> HMC, *Marquis of Salisbury*, iii, 409; *CSP Scot*, x, nos 30, 62; *Moysie*, 74. Wigmore was convinced that James was aware of the lord's conspiracy before he went hunting to Haughton and that the whole matter was a set-up to display the king's 'courage and resolution'; Fowler too was suspicious of the whole affair; Mar, Glamis and Auchnoul suspected James had 'appointed with' the rebel lords in the north before bringing Huntly south, *CSP Scot*, x, nos 80, 92; HMC, *Marquis of Salisbury*, iii, 346 [misdated 1588].

<sup>189</sup> *CSP Scot*, x, no 16. Huntly boasted that the rising that ended at Brig o' Dee would be 'such an alteration in Scotland as was not this forty years'. See also, Grant, R, 'Scotland and the wars of the counter-reformation, 1580-1603', *Scotland and War* (Association of Scottish Historical Studies, 1995).

Maitland would surrender the chancellorship, leave court for Lauder and give the earl 10,000 crowns on condition that he did not rise in conjunction with Huntly.<sup>190</sup> Bothwell knew about political reality and offered to accept any terms from James in any place, as long as Maitland was not there.<sup>191</sup> Bothwell was acting not out of love of the northern confederates or their religion but out of dislike of the chancellor.<sup>192</sup> Bothwell dispersed some of his horse and proceeded to liaise with the northern lords backed by only thirty horse.<sup>193</sup> By 14 April, Bothwell was back in the south having, reportedly, never managed to contact the rebel lords in the north.<sup>194</sup> He openly went to Edinburgh accompanied by only eight men where he stayed with the countess of Orkney (his aunt) in the Canongate.<sup>195</sup>

Although Bothwell again placed his troops (by this time around 300 horse and 300 foot) in a state of readiness, he was still in daily contact with the king seeking his pardon.<sup>196</sup> Despite catholic scare stories and the Lindsays begging for Bothwell's forfeiture, James stated that he would not deal harshly with his friend, Francis, and it was suspected that 'all is...cunning dealing between the king and Bothwell to serve their own purpose'.<sup>197</sup> By the end of April, Bothwell was keeping his company together for private motives 'rather to keep their hearts for

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<sup>190</sup> *CSP Scot*, x, no 29.

<sup>191</sup> Calderwood, v, 54.

<sup>192</sup> *CSP Scot*, x, no 40; Gray, *Letters*, 152.

<sup>193</sup> HMC, *Marquis of Salisbury*, iii, 404; *CSP Scot*, x, no 34; *Moysie*, 74; *RPC*, iv, 373. English representatives believed the Brig o' Dee rebellion was only against Maitland, *ibid.*, no 152; *CSP For*, xiii, 366.

<sup>194</sup> *CSP Scot*, x, nos 41, 42. Calderwood states he convened with the other nobles at Perth, Calderwood, v, 55.

<sup>195</sup> *CSP Scot*, x, nos 41, 42, 56. He also visited Dalkeith. Bothwell considered fleeing abroad to serve under Parma and also went to Leith to arrange shipping. Bothwell was reported as again harbouring jesuits (this time Robert Bruce, who had been hiding in Leith) as well as some English outlaws and fugitives, *ibid.*, nos 66, 72.

<sup>196</sup> HMC, *Marquis of Salisbury*, iii, 409; *CSP Scot*, x, nos 44, 45, 55.

<sup>197</sup> *CSP Scot*, x, no 55, 58, 61; HMC, *Marquis of Salisbury*, iii, 321 [misdated 1588]. Archibald Douglas considered that the earl was of 'less danger' than generally was reported, *CSP Scot*, x, no 56; Calderwood, v, 56. The master of Gray considered it little but 'discourse at Bothwell's table or brag of his followers', *CSP Scot*, x, nos 66, 72, 73.

any other time than for any great purpose he can do now'.<sup>198</sup> As James brought Huntly south 'in manner of triumph', Bothwell's company began to leave him.

The situation was not resolved, however, and on 8 May, James ordered a muster at Stirling to march south and make a public demonstration 'to suppress Bothwell's pride'.<sup>199</sup> The king considered the earl dishonourable and ungrateful but remained principally concerned that the English queen should recognise the dangerous nature of the situation in Scotland and send financial assistance.<sup>200</sup> Following the dissolving of his troops, Bothwell tried communication with James through Maitland, Mr David Lindsay, minister of Leith, and Mr Robert Hepburn, minister of Hauch.<sup>201</sup> James was not interested and stated that he would pardon any that would kill the earl and bring the king his head. Having received an assurance that James intended to operate with a council of lords (a group of broadly protestant sympathisers), Bothwell agreed to submit without condition. On 11 May - the day Elizabeth's pension arrived at Berwick - Bothwell submitted to James, on his knees, in the chancellor's garden, having made sure that none but his favourers were present.<sup>202</sup> Bothwell was held in Holyrood and only permitted two men to serve him (although his keeper was rather more lax than James was prepared for).<sup>203</sup> When questioned concerning his bond with Huntly 'He [reacted] like a madman that he cared

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<sup>198</sup> HMC, *Marquis of Salisbury*, iii, 321 [misdated 1588]; *CSP Scot*, x, nos 58, 61. Robert Maxwell had joined the earl and led one of his divisions of horse along with Hercules Stewart (the earl's half-brother) and Walter Lindsay. One of the private matters was a dispute between the earl and the town of Leith, which had escalated to a point where Bothwell had been struck through the doublet with a halbert by a townsman (with little lasting effect), *RPC*, iv, 331-2.

<sup>199</sup> HMC, *Marquis of Salisbury*, iii, 409; *CSP Scot*, x, nos 66, 67. A ship was reportedly ready to transport the earl out of the country from Prestonpans. Asheby thought that such an exile would bring about 'the same end...that came to his predecessor'. James also was having problems keeping his force together.

<sup>200</sup> *CSP Scot*, x, no 63, 73. Gray attempted to convince Elizabeth to move some troops to the border, *CSP Scot*, x, no 65.

<sup>201</sup> *ibid.*, no 81; Moysie, 76.

<sup>202</sup> *CSP Scot*, x, nos 81, 83; Calderwood, v, 56. Crawford had submitted the day before, *CSP Scot*, x, no 84. Fowler considered the acceptance of Bothwell's actions as proof that the whole action was a collusion between the king and the earls, *ibid.*, no 81.

<sup>203</sup> *CSP Scot*, x, nos 84, 103, 104; Moysie, 76. He had been held initially in George Todrig's house.



not for the Spaniard or other stranger, but to work mischief in England he would join with devils...nothing against the king, his realm or religion'.<sup>204</sup>

On 24 May, Bothwell was indicted on the same treason charges as Huntly and Crawford. Huntly, 'a most simple man and timerous',<sup>205</sup> declared himself guilty, Crawford declared himself guilty in part and Bothwell denied the charges. Of the ten general charges, only four directly related to Bothwell (gathering in arms with intention to capture Holyrood Palace and slay Maitland; levying men; making bands against their fealty to the king; and usurping the king's authority) but, as was noted at the time, his decision to plead not guilty was 'with more stoutness than wisdom'.<sup>206</sup> Another specific charge levied at Bothwell - that he had received 1,000 crowns from colonel Sempill, a jesuit agent, and a further 1,000 crowns from the earl of Erroll to finance his troops - was vigorously denied until the end.<sup>207</sup> Following his trial, Bothwell was warded in Tantallon. He did not lose any of his lands, goods or offices and was allowed complete freedom of access from his friends and associates.<sup>208</sup> This proved a mixed blessing for his associates as, late in May, following a foiled escape attempt, the earl 'was so raged that he cruelly beat his wife and all his servants that came near him'.<sup>209</sup> Late in June, Maitland effected a move for the earl to Saltoun so that he could 'go every day home to his own house to see to his building which he there is presently proceeding with'.<sup>210</sup>

The summer months following the Brig o' Dee rising were a period of reconciliation. Even after his release from ward in Saltoun Castle, Bothwell was still considered the 'champion' of

<sup>204</sup> *CSP Scot*, x, no 86; Calderwood, v, 57.

<sup>205</sup> *CSP Scot*, x, no 103.

<sup>206</sup> *ibid.*, no 101; Calderwood, v, 57; Moysie, 76-7. Spottiswoode relates that Bothwell admitted the charges of levying men and entering bonds but denied the others, Spottiswoode, ii, 398.

<sup>207</sup> *CSP Scot*, x, nos 101, 104. It may be significant that the fines levied on all the rebel lords for release from captivity were 2,000 crowns, see below, page 178.

<sup>208</sup> *ibid.*, nos 101, 115, 116, 125, 137; Gray, *Letters*, 161. On 2 June 1589, William, earl of Angus, having promised to deliver Tantallon to Archibald Douglas, younger of Whittingham, to the effect that Francis, earl Bothwell, who is warded in the castle may be rented and kept within the said castle by the said Archibald, RPC, iv, 389. Calderwood states William Home acted as keeper, Calderwood, v, 58.

<sup>209</sup> SRO, GD16/26/1; *CSP Scot*, x, no 109.

<sup>210</sup> *ibid.*, nos 122, 131.

the malcontent faction at court.<sup>211</sup> The master of Gray attempted to facilitate a reconciliation between the earl and Maitland and although Bothwell 'often slew [the chancellor] with words', the approach appears to have been genuine. Bothwell offered Maitland care of his eldest son (also called Francis) to cement the friendship.<sup>212</sup> The reconciliation was effected in the middle of August - a period when Maitland was under increased pressure as a result of covert Scottish dealings with the duke of Parma, the restoration of the earls of Crawford and Erroll and recent rumours that the master of Glamis and Bellenden of Auchnoll were forming a faction against him.<sup>213</sup> While Maitland recognised that Bothwell was volatile and untrustworthy, he was a strong asset when it came to combating the pretensions of others. The relationship was thus bound of necessity not any underlying trust: Asheby felt that the reconciliation would not last and was only 'until the next opportunity'.<sup>214</sup> Patrick, master of Gray also attempted to reconcile Bothwell with lord Home but this was hampered by the fresh outbreak of a long-running border feud between Scott of Buccleuch and Ker of Ferniehurst.<sup>215</sup> On 21 August, the tense relationship between Bothwell and Home fractured when Home led an armed band against the earl outside Carfrae in an attempt to prevent him riding to a planned meeting with Maitland at Lauder. Lord Home struck down one of Bothwell's closest servants, Peter Collace, and forced the earl to seek refuge back in Carfrae Tower. It was feared that full scale border dissent would break out due to the nature of the noblemen's characters and their friendships and alliances.<sup>216</sup>

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<sup>211</sup> *CSP Scot*, x, nos 152, 153; Calderwood, v, 59; Spottiswoode, ii, 399.

<sup>212</sup> *CSP Scot*, x, nos 152, 153.

<sup>213</sup> HMC, *Marquis of Salisbury*, iii, 346 [misdated 1588]; *CSP Scot*, x, nos 175, 186.

<sup>214</sup> *CSP Scot*, x, no 175. Glamis was initially unhappy that he had not been involved in the reconciliation between Bothwell and Maitland, Brown, *Bloodfeud*, 117. The master had previously been active in petitioning for Bothwell, *CSP Scot*, x, no 125. Bothwell also attempted to reconcile himself with Montrose, HMC, *Marquis of Salisbury*, iii, 426.

<sup>215</sup> *CSP Scot*, x, nos 141, 153. Buccleuch was firmly linked with Bothwell and Ferniehurst was favoured by lord Home, *ibid.*, no 156. James was concerned with the disruption on the border and ordered a judicial raid to the area for 20 October, *ibid.*, no 164.

<sup>216</sup> *ibid.*, nos 191, 195. In June, Alexander Home, previously commendator of Coldingham, had suggested that if supported, he might personally dispose of the earl (who had assumed control of Coldingham), *CSP Scot*, x, no 131. It is unlikely that lord Home was the real instigator of the action.

Bothwell also began to make tentative approaches to Elizabeth and offer his services. Although English correspondents were scathing in their criticism of the gesture and sceptical of the motives it would appear that the approach was a genuine development in Bothwell's political convictions and an attempt to re-align himself with the increasingly pro-English tendencies of his monarch and his new ally, the chancellor.<sup>217</sup> The earl had prospered in the early 1580s through a close personal relationship with James and, as the decade drew to a close (with the political situation again unstable), he recognised an opportunity to bind himself closer to the monarch at the expense of the influence of other, equally volatile, figures such as the earl of Huntly.

James too was in a mood for reconciliation. His over-riding concern was the plans for his forthcoming marriage to Anna of Denmark - he had to receive and send embassies, purchase required effects, prepare buildings for the queen's reception and, most importantly, raise funds to pay for the event.<sup>218</sup> With such affairs in mind, the other rebel lords were granted remission for their crimes in return for 2,000 crowns each.<sup>219</sup> Early in August, it was commented that

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The master of Gray and Maitland had warned Bothwell that Home was surrounded by the earl's unfriends who were heavily armed. Gray, however, was suspected by both Maitland and James of double dealing in the matter, HMC, *Marquis of Salisbury*, iii, 434. See also *CSP Scot*, x, nos 294, 296, 303; *ibid.*, x, app., no 5; *RPC*, iv, 440.

<sup>217</sup> *CSP Scot*, x, nos 181, 182. Asheby considered 'there is no speck of virtue or honesty in him, neither has he judgement to carry himself well in any action' and 'there is no honour to be had of this earl whatever oath he makes'. Bothwell may have considered the reconciliation as a vital step in gaining permission to depart Scotland for France in order to fight in the (protestant) army of Henri IV of Navarre, *ibid.*, no 186.

<sup>218</sup> *CSP Scot*, x, nos 114, 141, 153, 154, 175, 181; Craig, J T G (ed.), *Papers Relative to the Marriage of James VI of Scotland, with the Princess Anna of Denmark; AD MDLXXXIX. And the Form and Manner of Her Majesty's Coronation at Holyroodhouse, AD MDXC*, (Bannatyne Club, 1828), 3; Gray, *Letters*, 160. Early in June 1589, earl Marischal and lord Dingwall had left for Denmark as Scottish ambassadors, *CSP Scot*, x, no 115. Fowler commented that, together, they 'will not both make a wise man'. The lords were accompanied by Peter Young, the king's childhood tutor and, subsequently, his almoner. He carried 'easier instructions', *ibid.*, no 116. James sought money to pay for the marriage through the summer of 1589, although he did not recover as much money from a northern justice circuit as had been hoped and the £3,000 sterling received from Elizabeth at the end of the Brig o' Dee rebellion was not the £5,000 looked for, *ibid.*, nos 125, 153.

<sup>219</sup> *CSP Scot*, x, nos 175, 190. Bothwell was considered unlikely ever to pay, *ibid.*, no 195. Two noted catholic trouble-makers, Claud Hamilton and lord Maxwell were, similarly, released from governmental jurisdiction, *ibid.*, no 168. (This followed from a threat by the citizens of Edinburgh - who feared that Maitland was trying to block the Danish marriage, an act which would affect the town's Baltic trade - to set the rebel lords free, *ibid.*, nos 107, 157. For details on the importance of



Bothwell, Crawford and Huntly, had returned to a position of influence as a result of their 'many friends about the king'.<sup>220</sup> As summer turned to autumn, James grew more deeply concerned regarding the fate of his long anticipated wife. When, in October 1589, the king decided to depart from Scotland in order to bring his queen home, personally, he left a realm which was far from stable and full of petty jealousies. Against such a background, the choice of the teenage duke of Lennox as the realm's appointed governor and the erratic earl Bothwell as his assistant and co-adjutor, would appear, at best, extremely strange. Such positions of influence, however, were no less than the Stewart cousins expected.<sup>221</sup>

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The early period of Francis Stewart's political career has too often been neglected at the expense of an attempt to discuss his actions involving the North Berwick witches and his various raids on the king's residences. It cannot be disputed that, in relation to his later actions, the earl's behaviour during the 1580s is difficult to interpret, however, it must be questioned how much of this difficulty is due to a fascination among historians for adopting a sterile centrist, administrative and faction-riven view of Scottish governmental politics.

Francis Stewart was aware of his responsibilities on a number of levels - personally; locally; politically; religiously; and internationally. He had a strong heritage and sought to secure a steady growth in his political power and influence throughout the decade. Bothwell already carried significant responsibilities on the border and in admiralty matters, which he fulfilled competently. This increase was sought not only by means of administrative office, but also through the favour of the king and through active administration in his dependent localities. In

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the political situation in the Baltic, see Oakley, S, 'War in the Baltic, 1550-1790', *The Origins of War in Early Modern Europe*, ed. J Black (Edinburgh, 1987), 58-9.)

<sup>220</sup> *CSP Scot*, x, nos 19, 109, 125.

<sup>221</sup> For a full discussion of Bothwell's assistant governorship, see below, pages 277-308.

his attempts to gain influence, he was frequently stifled either by the prevailing political attitudes or by his rivals for position and authority, such as George Gordon, sixth earl of Huntly or John Maitland of Thirlestane. To counter-act these competitors, Bothwell relied heavily on personal contacts at the Scottish and English courts, and in his localities. Some of these were family members from his mother's side; others were long-term Hepburn associates and tenants; and other still were new personal contacts of the fifth earl. Equally important in attempts to secure influence was the relationship between Bothwell and the other members of the Scottish political elite - some relationships were normally positive, such as with Walter Scot of Buccleuch (his step-son); others were, normally, antagonistic, such as with the extended Home family; however, the vast majority of relationships, such as with Huntly, Maitland or Archibald Douglas, eighth earl of Angus (the earl's brother-in-law), were dictated by political circumstance and operated in an ambiguous limbo where levels of opportunism and distrust changed daily.

Bothwell's nature did not assist the formation of strong, long-standing political alliances - he had a high impression of his own self-worth; he was prepared to resort to military combat when situations failed to go his way; and he was subject to violent explosions of temper such as when he murdered David Home or sir William Stewart. The earl rarely was trusted by large proportions of the Scottish political elite - what support he did have tended to come from his areas of influence, the border and Lothian - however, he was feared widely for his political associations and this was especially the case when it came to English correspondents and ambassadors.

With regard to Bothwell's politics, it must be commented that no coherent analysis exists of the foreign relations policy of James VI, himself. As in so many aspects of that king's reign, public pronouncements did not always tally with covert actions. It is, consequently, extremely difficult to comprehend how the, seemingly, expedient approach of one earl fits into the

pattern of James VI's foreign relations. Bothwell pursued associations with both the pro-English and pro-Spanish factions and these associations normally appear to have had the direct sanction of the king. It would be entirely consistent with other aspects of James's character for him to utilise his closest friends, such as Bothwell and Huntly, in 'deniable missions' with public enemies for private gain. Such duplicity led to serious conflicts: the difficulty when a policy was based on deception was that, unless those employed as deceivers were aware that the ultimate objective was fudge and equivocation, the tendency amongst them was towards an over-zealous application of principles in favour of one side or another. Bothwell and Huntly both lacked the finer elements of political astuteness. They were, in many respects, naive to the intricacies of James's 'official' policy. Both earls could easily be led and both could easily become involved in covert operations which offered the thrill of a heightened level of knowledge and responsibility. As a result, the deceivers became trusted by neither side and, as a consequence, did not know who to trust themselves.

The one, over-riding, concern of the earl was the expression of a genuine affection for the king (which was founded on an appreciation for the closeness of the relationship between the cousins). Bothwell demonstrated this affection not by following blindly the king's pronouncements and policy changes but by attempting to influence his monarch into actions which the earl and his allies considered best for Scottish kingship. In outline, the decade of the 1580s can be seen as a period of instruction for Bothwell - he was introduced to the complexities and expediencies of Scottish government and encouraged to participate at the highest level. As such, while he was active in many of the major events of the period, his level of involvement is often ambiguous and his commitment to any particular set of values remains uncertain.



## ***CHAPTER FOUR***

***Lordship and administration at the centre:  
Lanarkshire and Lothian***

In recent years, the work of both Jenny Wormald and Keith Brown has emphasised that court politics played only a limited rôle in the life of many Scottish noblemen.<sup>1</sup> The Jacobean aristocracy were, first of all, local magnates with landed heritage away from court which stressed their continuity and solidity. The lands possessed by members of the nobility dictated not only their wealth but also their level of military support and their areas of influence (in both the local and national arena). Not all estates were alike and, even within one comital holding there may have been a variety of tenures and a range of jurisdictions. Unlike the situation after 1603, the nobility of James VI's Scottish reign predominantly were resident on their estates and actively involved in the day-to-day management of them. Most nobles had favourite residences and tended to frequent the accompanying estates at the expense of more outlying possessions. For all the discussion concerning Bothwell's influence at the royal court, little has been said of how he operated as earl and commendator - one of the most significant landowners in the south of Scotland.

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### **earl Bothwell in Lanarkshire**

The style of 'earl Bothwell' had been meaningless to the Hepburns as early as the 1490s. The lordship of Bothwell had been granted to Patrick Hepburn in 1488 following the forfeiture of John Ramsay. In 1492, however, some of the lands of the lordship were exchanged with the earl of Angus for the lordship of Liddesdale.<sup>2</sup> Between 1492 and 1567 there were two separate lordships of Bothwell, one possessed by the earls of Angus and another by the earls Bothwell

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<sup>1</sup> Wormald, *Lords and Men*, 1-13; Brown, *Bloodfeud*, 14-20; Brown, K M, 'Thy Pride, thy State, thine Honour, Blood and Gold, Can not Death's stroak one minuts space with-hold' (unpublished conference paper, 1995). See also, Dewald, J, *The European Nobility, 1400-1800* (Cambridge, 1996).

<sup>2</sup> See above, page 47.

(at one point, the Hamiltons also possessed the title of lord of Bothwell).<sup>3</sup> Although Bothwell nominally remained as superior, the earls of Angus and, later, the earls of Arran dominated the lands of the lordship. Thus, apart from collecting due rents, the Hepburn earls Bothwell were largely unconcerned by their Lanarkshire property (in addition to the lordship of Bothwell they also possessed the lordship of Dunsyre, which was rented by the lords Erskine). They saw themselves, instead, as nobility of south-eastern Scotland and, after 1567, little changed. While there is evidence that Francis Stewart, fifth earl Bothwell, maintained a lively interest in the provision of prebendaries within Bothwell collegiate church, in regard to the temporal lands, there is no extant evidence of any purposeful intervention.<sup>4</sup> Where the earl did retain interests, it was in accessing rents and duties and, for this, he utilised local bailies.<sup>5</sup>

#### **commendator of Lesmahagow Priory**

Although Francis Stewart, mirrored his Hepburn predecessors when it came to the comital land-holdings within Lanarkshire, he had a greater interest in the locality due to his spiritual office. As commendator of Kelso, Francis Stewart was also superior of the cell at Lesmahagow. Even before the reformation, the lands of Lesmahagow Priory had been difficult to keep under direct management and, without the support and consent of local magnates, the abbots and commendators of Kelso found it arduous to levy dues pertaining to the benefice.<sup>6</sup> As a result, some of the lands had been feued, or completely alienated, to the Hamilton family under the duc de Châtelherault.<sup>7</sup> The lands were acquired by the Hamiltons during their period

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<sup>3</sup> See *Appendix 6*.

<sup>4</sup> *RMS*, ii, no 2106; *HMC, Eleventh Report*, app. vi, 3-11; see below, page 328-33.

<sup>5</sup> *SRO*, RH6/3117.

<sup>6</sup> Hannay, R K, 'A study in reformation history', *SHR*, xxiii (1926), 26.

<sup>7</sup> *RMS*, iv, no 883; Hannay, 'A study in reformation history', 25-7. Some lands had been held by the Hamilton's 'of old' but others had been purchased by Hamilton of Finnart when Kelso Abbey was in dire financial straits as a result of the repeated English invasions in the 1540's, *RMS*, v, 2008; Sanderson, 'Feuars of kirklands', 123.



of political dominance in Scotland and the lands continued to be utilised by the central government during the commendatorship of James Stewart (d.1557), illegitimate son of James V, and half-brother of Mary, queen of Scots.<sup>8</sup>

As in other areas, Bothwell and his curators were interested in Lesmahagow for its rents and patronage possibilities: in 1576, David Collace of Auchinfarslie acquired the rights to the Clyde mill and fishings (nominally from Francis Stewart as commendator, but more likely as reward for his services to James, regent Morton).<sup>9</sup> In 1585, Francis Stewart granted Collace a tack of the remaining teinds of Lesmahagow for his lifetime plus nineteen years, which had previously been held by the nominal commendator of Lesmahagow, a great-uncle of the earl.<sup>10</sup> With the tack, David Collace also assumed the style commendator of Lesmahagow, although it did not allow a seat in parliament and seems to have had minimal responsibilities and the exact position of the commendator of Lesmahagow *vis-à-vis* the commendator of Kelso is never entirely clear.<sup>11</sup>

### earl Bothwell in Lothian

The influence that Francis Stewart exerted within Lothian was based, primarily, upon the traditional Hepburn land-holdings and, secondarily, around the hereditary positions of sheriff

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<sup>8</sup> Finnie, B, 'The house of Hamilton: patronage, politics and the church in the reformation', *Innes Review*, xxxvi (1985), 3-28. Some of the teinds of Lesmahagow were set by Mary to James Cunningham, the son of the earl of Glencairn, in the form of a pension. The previous commendator previous to Francis Stewart, had made a significant number of small grants of feus to local tenants, *RMS*, v, nos 15, 1200, 1201.

<sup>9</sup> *RMS*, iv, no 2652; *Laing Charters*, no 934. Collace, in turn, granted feus to sitting tenants, *ibid.*, no 1109.

<sup>10</sup> It is uncertain who this actually refers to, but was probably a great-uncle on his mother's side of the family, possibly Thomas Hepburn, parson of Hauch.

<sup>11</sup> The prior of Lesmahagow had, in the past, sat in parliament, Innes, C, & Brichtan, J B (edd.), *Origines Parochiales Scotiae. The Antiquities, Ecclesiastical and Territorial, of the Parishes of Scotland*, 2 vols (Bannatyne Club, 1850-5), i, 111. Collace too, in the post-reformation period, may have had this right but was unable to utilise it in 1587 (the only parliament held when he was not at the horn).

of Edinburgh principal and sheriff within the constabulary of Haddingtonshire. Other functions which allowed Francis Stewart to demonstrate his authority within the region, for instance as provost of Haddington, patron of ecclesiastical benefices or searcher of illegal trade goods, buttressed his political and social position but were dependent on the primary and secondary rôles. Francis Stewart had title to four baronies within Lothian (as well as numerous other smaller land-holdings): Crichton, within Edinburghshire, and Morham, Hailes and Oldhamstocks, within Haddingtonshire. When Francis Stewart first assumed the lands of the earldom in 1568, ultimate possession was not guaranteed and his title was not augmented by a grant of the traditional sheriffships of Edinburgh and Haddington (which were retained by the earl of Morton). Equally, tenure of the lands was not a simple matter as two dowager countesses of Bothwell were still alive and held properties in liferent: Agnes Sinclair, the wife of Patrick Hepburn, third earl Bothwell (and subsequently lady Maxwell), held the barony of Morham until her death in 1572; and Jean Gordon, the first wife of the fourth earl (and subsequently countess of Sutherland), held the rights to the lands of Crichton and Hailes until her death in 1622.<sup>12</sup>

The four Hepburn baronies did not form one consolidated comital unit but three separate areas of influence (the baronies of Hailes and Morham abutted each other). The barony of Hailes, situated five kilometres east of Haddington in the parish of Prestonkirk, represented the traditional centre of power for the earls Bothwell within Lothian. It had belonged to the Hepburn family since the late thirteenth century and was surrounded by their comital lands. The castle of Hailes, set in a low valley, was not able to dominate the region but was within a kilometre of Traprain Law, the ancient tribal centre of the region and a symbolic reminder of law and justice.<sup>13</sup> The occupants of the Hailes Castle maintained strong links with the

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<sup>12</sup> SRO, GD224/890/21/2; *RSS*, vi, no 97, 98; see above, pages 73, 93, 124-5.

<sup>13</sup> The similar relationship between the castles of the earls of Huntly and ancient tribal fortifications has been observed but more diverse investigation is required on this area, Gordon-Slade, H, 'The castles of the earls of Huntly', (unpublished paper, 1997).

surrounding hinterland and had strong influence on the management of both the parish and the local (royal) burgh.<sup>14</sup> Hailes was surrounded by Bothwell connections: to the south and south-west was the comital barony of Morham; to the south-east was the Douglas lordship of Whittingham (the family of Francis Stewart's step-father); to the west and north-west were the lands of the Haddington Nunnery (normally under comital patronage); to the north were the lands of the Hepburn laird of Waughton; and to the north-east and east were lands which pertained to the commendator of Holyrood (which, until 1568, had been Robert Stewart, Bothwell's uncle). After the exile of the fourth earl Bothwell, the keeping of the castle of Hailes was granted to Hercules Stewart, illegitimate son of John, commendator of Coldingham, and half-brother of Francis Stewart.<sup>15</sup> Tenancy within the barony, however, still reflected traditional power bases: Patrick Hepburn of Smeaton had several separate holdings; Mr George Hepburn, Smeaton's brother held lands in Beanston; Patrick Hepburn of Gilmerton also held lands there; Robert Hepburn (Francis Stewart's master of household) possessed Over Hailes (where Mr James Durham of Duntarvy, James VI's argentar and Francis Stewart's uncle held an annual pension); and other family servitors also held lands.<sup>16</sup>

The barony of Morham, situated within its own parish between Hailes and Haddington, followed closely the tenure and administration of its larger, more easterly neighbour. Following the death of Agnes Sinclair, wife of Patrick, third earl Bothwell, in 1572, the barony of Morham reverted to the crown as its legitimate possessor, James, fourth earl Bothwell, was forfeit. The crown did not retain the barony long and a tack of the lands was granted to Jean Hepburn, mistress of Caithness (Francis Stewart's mother).<sup>17</sup> Morham, with

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<sup>14</sup> See below, pages 192-206. A fifth part of the free rent of the barony teindshieves was apportioned to the diocese of St Andrews, National Library of Scotland, MS 3425, p. 327.

<sup>15</sup> Richardson, J S, *Hailes Castle* (Edinburgh, 1933), 13. This would suggest Hercules Stewart was significantly older than his half-brother.

<sup>16</sup> SRO, GD1/413/24; NLS, CH1008.

<sup>17</sup> RSS, vi, no 2146. As well as the tack, Jean Hepburn purchased the escheat of one of her tenants, John Nisbet in Standingstone, for £100, *ibid.*, no 1859.



Hailes, formed part of a well consolidated power base in the middle of the constabulary of Haddington: Hailes itself was situated to the north and north-east; Whittingham was to the east; the lands of Hepburn of Nunraw and Garvald kirk were to the south-east; lord Hay of Yester had lands to the south; the laird of Colstoun (a close ally of the Bothwell earls) was to the south-west; and the lands of Haddington Nunnery were to the north-west.

While the baronies of Hailes and Morham may have represented the traditional focus of the Hepburn earldom of Bothwell within Lothian, under Francis Stewart the centre of influence was transferred to Crichton in Edinburghshire. Francis Stewart had been granted the barony of Crichton in 1568 along with the non-entries of a group of German merchants who had held lands of James, fourth earl Bothwell.<sup>18</sup> After Kelso, Crichton was the favourite residence of the earl and he is credited with altering the face of a minor Lothian stronghold into one of the most original renaissance castles in Scotland. In November 1559, Crichton Castle was ordered to be 'cast down' and made uninhabitable.<sup>19</sup> There is no evidence as to whether this action was ever pursued, although if it was, immediate repairs and patching work must have been initiated. On 11 January 1562, the castle was able to host the marriage ceremony of John Stewart (in the presence of Mary, queen of Scots and her court), and, in 1565, it was valuable enough for James Hepburn to grant to his new bride, Jean Gordon.<sup>20</sup> To push speculation to the limit, it is possible that, in 1559/60, only the north wing (which had held the family apartments up until that time) was in any way 'cast down'. James Hepburn did not have the time, money or inclination to rebuild the north wing but, likewise, he did not want to live in the old Crichton square keep. It is possible that he came up with the ingenious solution of blocking off the doorway in the old south wall and building a dividing wall directly above the door (which split the great hall in the south range into two smaller apartments). Without

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<sup>18</sup> RSS, vi, no 516.

<sup>19</sup> Stevenson (ed.), *Selections from Unpublished Manuscripts*, 75-7; Laing (ed.), *Works of John Knox*, i, 459; Bell, J M, *The Castles of the Lothians* (Edinburgh, 1893), 72.

<sup>20</sup> See above, pages 93 and 109.

blocking up the door, the architectural stresses on the building would not have allowed the addition of such an amount of new stone.<sup>21</sup> In the 1580s, Francis Stewart did have the time, money and inclination to tackle the problem of the north wing - it was a development opportunity waiting to happen.<sup>22</sup>

The fact that the north wing still may have been largely derelict gave the new earl an opportunity to significantly remodel what had been there before. Work was carried out in the later half of the 1580s,<sup>23</sup> and, when the new range was completed, the old south range was abandoned.<sup>24</sup> Although the work Bothwell carried out had continuing Scottish legacies, it was continentally inspired and it radically re-interpreted the purpose of a noble dwelling house: the scale-and-platt stairs were among the first and most sophisticated in Scotland; the nail-head masonry was unparalleled in northern Europe; the arcaded lower floor was more suited to continental sunshine than Scottish rain; the large ground floor windows expressed an assured belief against military attack; and only the projecting gargoyle cannons reminded visitors of the traditional purpose of such structures. The castle also may have had its ornate internal decoration carried out by continental workmen although there was a lively Edinburgh group of painters in the Jacobean period.<sup>25</sup>

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<sup>21</sup> James Hepburn certainly knew a considerable amount about architecture - he had been largely brought up by his uncle, Patrick, bishop of Moray, at Spynie Palace and, during his time there, Moray had cut massive swathes into a vaulted basement of the bishop Stewart's Tower in order to put in protective gun-loops, MacGibbon, D, & Ross, T, *The Castellated and Domestic Architecture of Scotland*, 5 vols (reprint edn., Edinburgh, 1971), ii, 9, 209.

<sup>22</sup> I am grateful for discussion with Dr Aeongus McKechnie on these matters.

<sup>23</sup> Cruden variously dates the work 1581 to 1592 and 1580 to 1590. Cruden, S, *The Scottish Castle* (Edinburgh, 1981), 177, 193. The king and court visited Crichton for a week in January 1586 (when no building works excited comment and, during his warding in Borthwick in 1589, Bothwell was given permission to travel to visit his castle then in the process of construction, SRO, PS1/53, ff. 86v-7r; *CSP Scot*, x, no 131.

<sup>24</sup> Howard, D, *The Architectural History of Scotland: Scottish Architecture from the Reformation to the Restoration, 1560-1660* (Edinburgh, 1995), 78.

<sup>25</sup> Cruden, *The Scottish Castle*, 177-8, 190-1, 193-4; MacGibbon & Ross, *Castellated and Domestic Architecture*, i, 224, 225, 459; ii, 8, 13, 18, 146, 320; Bell, *Castles of the Lothians*, 72; MacWilliam, C, *The Buildings of Scotland: Lothian except Edinburgh* (Harmondsworth, 1978), 144-7. The building work was southern European in influence and the diamond facets were similar to those of the Rathhaus of Lübeck, the Palazzo dei Diamanti in Ferrara, the Palazzo Carnesali in Verona, the Casa de los Picos in Segovia, and various Florentine mercantile properties.

The earl's decision to spend most of his time in *Lothian* at *Crichton* did not greatly affect his ability to administer his *Haddingtonshire* lands. Set on the rising ground south of *Dalkeith*, *Crichton Castle* was two hours ride from *Haddington* and the baronies of *Morham* and *Hailes* beyond. *Crichton* was slightly different to the baronies of *Hailes* and *Morham* in that the lands surrounding it did not belong to lords who were permanently within the *Bothwell* camp. While men such as *William Sinclair* of *Roslin* and *Simon Preston* of that ilk may have occasionally had sympathy with the aims of the earl, others such as *George*, fifth earl *Marischal*, *Mark Ker*, commendator of *Newbattle* and *John Cockburn* of *Ormiston* were more normally in the camp opposed to the earl. This mattered little in times of peace but, following *Bothwell's* disgrace, it meant that residents of the lordship of *Crichton* had a more difficult choice to make when it came to declaring their allegiance.

The same point could be made in relation to the final *Bothwell* barony within *Lothian*. *Oldhamstocks*, on the *Berwickshire* border, was bounded by the spheres of influence of the *Douglas* earls of *Angus* and the lords *Home* (as laird of *Dunglass*). Although, in the 1580s, *Hepburn* interests were represented in the area by two parish ministers, it must remain speculation whether they administered the temporal lands as well.

There is little extant evidence of how *Bothwell* actively managed any of his baronies and lands but, however he behaved, it was enough to secure loyalty and support when he suffered disgrace. During his running battles with *James VI*, *Francis Stewart* was able to seek refuge in the castles of his earldom at *Hailes*, *Morham* and *Crichton*. Not only does this suggest a measure of security at these residences but it also indicates the intense loyalty of the surrounding population as, at no point, is there any suggestion that the earl was likely to be betrayed.<sup>26</sup> From the extant records, there are tantalising glimpses of active lordship, such as in 1578 when some of the fruits of the barony of *Morham* were used to bind *John Cockburn* of

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<sup>26</sup> See below, chapter 8.



Kirkland of Bolton (a previous provost of Haddington and sheriff-depute) to the earl by means of a pension of ten bolls wheat and ten bolls oats a year (worth around £130 annually).<sup>27</sup> Later, Bothwell granted Michael Gilbert, an Edinburgh goldsmith, a pension from Traprain in exchange for a contract of landholding of Sauchnell in Crichton.<sup>28</sup> In 1586, Francis Stewart issued a number of instruments of removing against the tenants holding the lands of the baronies of Hailes and Morham. This did not mark any radical change in tenurial patterns within the baronies; instead, it represented an action by the earl to remove his tenants at the old level of rent and re-grant them the same lands at a new level (possibly prior to his expenditure on Crichton Castle). The action came as a final measure, the tenants having 'failed despite numerous callings to compear and answer to Francis, earl Bothwell, for their lands'.<sup>29</sup> All tenants, servants, cottars, sub-tenants, wives, bairns, families, goods and gear had to be removed.<sup>30</sup> On the whole, it would appear that the tenants concerned (who included some of the earl's closest associates and even his procurator in the action)<sup>31</sup> eventually accepted the new rents, although some protested concerning their rights and others had to borrow money to meet the increased obligations.<sup>32</sup>

While the names of the tenants by themselves are of little importance (only some are able to be definitively linked to the earl's household), they demonstrate the strength of Bothwell's estates and the size of individual holdings. What is more significant is they represent the crudest level of local support for the earl - those who paid the rents which allowed Francis Stewart to fulfil his potential at court and in Haddingtonshire.

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<sup>27</sup> *RMS*, v, no 1859.

<sup>28</sup> *RMS*, v, no 1878.

<sup>29</sup> SRO, SC40/7/4, f. 62v.

<sup>30</sup> SRO, SC40/7/4, f 61v-64v. There were a few exceptions, for example, William Davie and Edward Aitken, see *Appendix 9*.

<sup>31</sup> SRO, SC40/7/4, f. 61v.

<sup>32</sup> SRO, SC40/7/4, f 64r, 73r. For other grants from Lothian lands, see SRO, GD1/413/24; *RSS*, vii, nos 56, 1113, 1162.

The earl normally operated politically through a council of friends, most of whom had familial links with the earl and Lothian land-holdings: Hercules Stewart, the earl's half-brother, held the tenancy of Whitlaw; Robert Hepburn, the earl's master of household, was successively tenant in Duntarvy and Over Hailes before being rewarded with the parsonage of Hauch; Mr Peter Collace (relative of the earl's curators, David Collace of Auchinfarslie and John Collace of Balnamone) possessed Whithouse; Richard Douglas, younger of Whittingham, was brother to the earl's step-father; John Hamilton, younger of Samuelston, was a relative by marriage; Mr Samuel Cockburn of Templehall held lands adjacent to traditional comital interests; as did Archibald Wauchop, younger of Niddry Marischal. Other close associates of Bothwell also possessed lands and titles within Lothian, for example, sir William Sinclair of Roslin, Patrick Hepburn, younger of Riccarton, Mr James Hepburn of Mainhill, Alexander Stewart of Blackness and James Lawson of Humbie.<sup>33</sup>

The rents of the earl's Lothian baronies were paid in a mixture of money and goods. Fortunately, in the 1630s, the earl of Buccleuch was subject to a legal challenge by Francis Stewart (the fifth earl's son and heir) in an attempt to recover his heritage. Buccleuch was forced to complete rentals for the old Bothwell estates and provided the Scottish privy council with figures which relate to forty years earlier. Crichton was the largest and wealthiest of the earl's holdings providing over half its rental (£1,633 6s 8d) in silver. The remainder of the due rent was paid in wheat, beir, oats and chickens which took the total value of Crichton barony to around £2,800. Hailes was only slightly less prosperous contributing approximately £2,500 and Morham represented rentals worth a little over £1,000. While Buccleuch did not hold all the forfeited Lothian estates from 1591, a total income of between £6,000 and £7,000 from them would have represented a healthy income from the traditional Hepburn comital lands.<sup>34</sup>

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<sup>33</sup> See *Appendix 8*.

<sup>34</sup> Masson, D, & Brown, P H, *The Register of the Privy Council of Scotland*, Second Series, 8 vols (Edinburgh, 1899-1908), iv, 565-9.

### provost of Haddington (1584-91)

Haddington was a town of considerable size and it operated both in its own right and as a satellite to the main Scottish urban centre of Edinburgh (like Dalkeith and Linlithgow). If the contribution to national taxation is taken as representative of the size of the burgh, then Haddington consistently figures in the top ten of Scottish burghs, behind burghs such as Glasgow, Aberdeen, Dundee, Perth, Stirling, Ayr, Dumfries and Inverness. After Edinburgh, Haddington was responsible for the highest contribution of any burgh in south-east Scotland.<sup>35</sup>

In physical terms, Haddington had changed little from its mediæval layout being partially walled, with four main ports, two crossings over the River Tyne and two minor suburbs - the Nungate and Giffordgate.<sup>36</sup> The burgh lay on the direct route from Edinburgh to Berwick and, as such, was an ideal location for the interception and illegal acquisition of secret correspondence.<sup>37</sup> A rental of around 1560 names over 265 properties within the burgh. The houses belonged to over 160 different landlords and, taking all factors into account, it would seem reasonable to suggest a population of between 1,000 and 1,200.<sup>38</sup> The population of the period was far from stable, however. The town had been destroyed on a number of occasions during the sixteenth century, most notably in 1544, when a member of Hertford's invading army noted 'we burned a fine town of the earl Bothwell's called Haddington, with a great nunnery and a house of friars'.<sup>39</sup> The burgh was again burnt in 1547, and was also subject to

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<sup>35</sup> Lynch, M, 'Towns and townspeople in fifteenth century Scotland', *Towns and Townspeople in the Fifteenth Century*, ed. J A F Thomson (Stroud, 1988), 175.

<sup>36</sup> Gourlay, R, & Turner, A, *Historic Haddington, the Archaeological Implications of Development* (Scottish Burgh Survey, 1978), 3-10; see also Naismith, R J, *The Story of Scotland's Towns*, (Edinburgh, 1989), 31, Gray, W F, & Jamieson, J H, *A Short History of Haddington* (Stevenage, 1995), 146.

<sup>37</sup> CBP, i, no 490; CSP Scot, ix, no 509.

<sup>38</sup> Harvey, C C, 'A sixteenth century rental of Haddington', *SHR*, x (1913), 277-83.

<sup>39</sup> Gray & Jamieson, *Haddington*, 9. The nunnery was situated a kilometre to the east of the town and the friary possessed lands immediately to the south of the Friar Gowl within the town, SRO, GD1/39/3/3, 3. The Hepburn kindred also had links within the friary, GD1/413/2/38.



an eighteen month siege by French and Scottish troops between January 1548 and September 1549.<sup>40</sup> By 1557, the town 'beand brunt and destroyet' was in 'poverty and decay' and the situation was not helped in the 1570s and 1580s by intermittent outbreaks of plague.<sup>41</sup> In the latter half of the sixteenth century, successive town councils were greatly concerned to improve the burgh's public appearance and civic provision and work was carried out to repair the tolbooth,<sup>42</sup> town ports,<sup>43</sup> causeways,<sup>44</sup> boundary dykes,<sup>45</sup> waste tenements,<sup>46</sup> and market-places.<sup>47</sup> By the later sixteenth century, the need to service local requirements had come to dominate the town's previous enthusiasm for export of its goods.<sup>48</sup> That said, the town still maintained a regular trade with overseas markets and provided local landowners and other burghs with a weekly market (held on a Saturday) and three annual fairs.<sup>49</sup> Between 1582 and 1590 the export duties of the town were set in tack and were not paid to the king's comptroller but retained by the provost and bailies of the town in return for a formalised payment.

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<sup>40</sup> Gray & Jamieson, *Haddington*, 10, 21, 90. Haddington was one of the two bases in Scotland for the English occupying forces. In 1548, the English garrison of the town numbered 2,000 foot and 500 horse.

<sup>41</sup> Marwick, J D, & Hunter, T (edd.), *Records of the Convention of the Royal Burghs of Scotland*, 7 vols (SBRs, 1870-1918), i, 525; Gray & Jamieson, *Haddington*, 19. There were regular acts regarding the plague, for example the 'Act anent Pest', in 1587, which restricted movement into Haddington from Edinburgh, Leith and other 'suspect places', SRO, GD1/39/3/5, f. 15v. In a previous plague outbreak in 1584, nearby Edinburgh was estimated to have lost approximately a tenth of its population, Smout, T C, *History of the Scottish People, 1560-1830* (London, 1969), 163; Lynch, *Edinburgh and the Reformation*, 155.

<sup>42</sup> SRO, GD1/39/3/2, f. 2r.

<sup>43</sup> SRO, B30/13/2, ff. 44v, 46r; GD1/39/3/5, f. 15v. The town did not have continuous walling until 1597. Until this time it relied on the head dykes at the end of burgage plots, and a surrounding fosse, to form a physical barrier to the towns land, Gray & Jamieson, *Haddington*, 84.

<sup>44</sup> SRO, B30/13/2, f. 4r.

<sup>45</sup> SRO, GD1/413/2, f. 19r; B30/10/5, f. 58r; B30/13/2, ff. 4r, 44v.

<sup>46</sup> SRO, GD1/39/1/54; B30/10/5, f. 58r; B30/13/2, f. 24v; Gourlay & Turner, *Historic Haddington*, 9.

<sup>47</sup> SRO, B30/13/2, f. 11v.

<sup>48</sup> Lynch, M, 'Continuity and change in Scottish Towns, 1500-1700', *Scottish Society, 1500-1800*, edd. R A Houston & I Whyte, (Cambridge, 1989), 96-7.

<sup>49</sup> James, J G W (ed.), *Charters and Writs concerning the Royal Burgh of Haddington, 1318-1543* (Haddington, 1895), 35. In 1580, Haddington, in an action before the court of session, disputed with Dunbar, over the towns trading rights and privileges, *RCRBS*, i, 98, 186; ii, 93-4, 102, 162, 176, 193. Haddington also applied, to the convention of royal burghs in 1582, to settle a dispute between the town and 'certain gentilmen quha wald reve thame of thair richttis', *RCRBS*, i, 135. During the later sixteenth century, Haddington was subject to further trading disputes with North Berwick,

Analysis based on the individual figures available for each decade of the sixteenth century show that it is not until 1590-9 that Haddington's trade recovered to its 1540-9 export level (and this was, approximately half of the export level of 1500-9 and forty-three per cent of the export level of the peak periods of 1510-29).<sup>50</sup> Such figures can be misleading. While it is beyond doubt that the level of trade passing through Haddington was not at the level of the reigns of James IV and James V, and that the wool trade had ceased entirely, comparison between 1580 and 1590 shows a marked improvement in other trade over the period.

*Although the value of statistical analysis is limited by the extent of the data, in 1590 (as compared to 1580) the* town paid duty on 120 per cent more lamb skins (2,640 compared to 1,200); seventy per cent more futefalls (2,040 compared to 1,200); 166 per cent more fells (5,190 compared to 1,950 - the figure for 1580 is low but the 1590 figure still represents a rise of 100 per cent over the average figure for the period 1575-9); and thirty-three per cent more schorlings (120 compared to 90). Only the duty on hides (down by ninety-eight per cent) took longer to recover.<sup>51</sup> It could thus be argued that Haddington during the provostship of Francis, earl Bothwell, was getting slightly more prosperous and attempting to hold its own against the increasing magnetism exerted by Edinburgh.<sup>52</sup>

Despite social problems, the town remained an important regional centre and along with the influence of the earls Bothwell, the lords Home, Seton and Yester owned land within the burgh, as did several significant Lothian lairds. Government and household officials were also

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Musselburgh, Edinburgh and St Andrews, *RCRBS*, i, 135, 404, 406; *SRO*, B30/10/5, f. 67v; Edinburgh City Council, SL7/1/7, pp. 32, 122, 193; *EBR*, iv, 301, 428.

<sup>50</sup> Lynch, 'Continuity and change', 99.

<sup>51</sup> *ER*, xvii, 45, 59, 79, 299, 393, 457; xviii, 46, 67, 146, 197, 228, 281, 334, 264, 288, 340; xix, 2, 33, 84, 113, 174, 196, 222, 275, 291, 324, 368; xx, 20, 67, 96, 148, 211, 252, 275, 293, 316; xxi, 2; xxii, 93, 169, 423; xxiii, 88, 128, 183, 239, 331. The figures for schorlings are ambiguous as there are insufficient details to fully understand the huge swings in duty paid on this commodity.

<sup>52</sup> For a different interpretation of the figures, see Lynch, 'Continuity and change', 96-9. Another, unquantifiable, factor which may have affected the figures in the 1580-1 period was the uncertainty over temporal and shrieval jurisdictions following the earl of Morton's imprisonment.

well represented, for example, the Maitlands of Lethington and Thirlestane, Mark Ker, commendator of Newbattle and Lewis Bellenden of Auchnoull.<sup>53</sup> Religiously, it has been claimed that 'broadly speaking, it was with considerable hesitancy that the townsfolk adopted the principles of the reformation'.<sup>54</sup> The evidence for such a statement would seem slight. The town minister and schoolmaster, from 1569, James Carmichael (under the patronage of the St Andrews Priory), was prominent in the affairs of the reformed kirk.<sup>55</sup> On occasion, he found the political situation too hot for him and, in 1584, he had to flee to England because of his support for the rebel earls.<sup>56</sup> Haddington also played an ambivalent rôle in Scottish politics. The town occasionally sought permission to stay at home from military expeditions,<sup>57</sup> but, during the reign of James VI, the town loyally supported the king's administration: James Stewart, earl of Arran, raised funds in the town; and, in 1584, Haddington sent twenty-four hagbutters to Stirling to combat the rebel earls of Angus and Mar and the master of Glamis.<sup>58</sup> The close attachment of Haddington to Arran's cause is interesting and may help emphasise the ambivalence of earl Bothwell to three men normally considered his close allies.<sup>59</sup>

The earls Bothwell, and the wider Hepburn kindred, had developed a well defined relationship with the burgh of Haddington by the middle of the sixteenth century. Various Hepburns had been elected as bailies of the town since Alexander de Hepburne in the reign of

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<sup>53</sup> RMS, v, no 1307; HMC, *Twelfth Report*, app. viii, 142; *Laing Charters*, no 1089; Harvey & Macleod (edd.), *Calendar of Writs at Yester House*, 806; Lee, *Maitland*, 28, 60. Auchnoull held eighty-two acres of St Lawrence House for which the annual fee was £42 Scots. This land was later transferred to Thomas Craig, who frequently acted as procurator for Francis Stewart, SRO GD1/17/14; Gray & Jamieson, *Haddington*, 26. The lairds of Blans, Clerkington, Colstoun, Congilton, Garmilton, Innerleithen, Lethington, Rouchlaw and Waughton appear as land-holders in the sixteenth century rental, Harvey, 'Rental', 278-83.

<sup>54</sup> Gray & Jamieson, *Haddington*, 34

<sup>55</sup> Mr James Carmichael was presented as vicar of the Nungate in 1571, SRO, PS1/40, f. 19v. He was presented to the schoolmastership of the grammar school by Adam, commendator of Holyrood, by February 1576, but held the position only for a short time, being succeeded by John Ker, SRO, PS1/43, f. 118r; RPC, iv, 668.

<sup>56</sup> RPC, iii, 662. He only returned in 1587, *Fasti*, i, 369.

<sup>57</sup> In 1565, they had to pay Alexander Durham, the queen's argentair, £100 for the privilege, SRO, GD1/54/5, c.

<sup>58</sup> Miller, *Lamp of Lothian*, 80.

<sup>59</sup> See above, page 150-3.



James I.<sup>60</sup> The strong link between the Hepburn earls Bothwell and Haddington was reinforced by the siting of a noble town house within Haddington,<sup>61</sup> and a succession of Hepburns were prioresses of Haddington Nunnery;<sup>62</sup> the Hepburns of Nunraw acted as their hereditary bailies in the Nungate;<sup>63</sup> the Hepburns of Rollandston were bailies of the templar lands in the town and sherifffdom.<sup>64</sup> Other members of the kindred lived in the town, transacted business and legal affairs there, were educated in the town school, or were subject to the town's civil and religious authorities.<sup>65</sup> A number of inhabitants within the town either worked for, or were tenants of, the earls Bothwell (or other scions of that family based on the East Lothian farms of Smeaton, Kirklandhill and Westfortune), and vassals and allies of the earls

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<sup>60</sup> SRO, GD1/413/1, f. 18r, GD1/413/1, f. 92r, GD1/413/1, f. 93v, GD1/413/1, f. 96r, Harvey & Macleod (edd.), *Calendar of Writs at Yester House*, nos 178, 311, 449, 517; Thomson, T, 'A description of the oldest council books and other records of the town of Haddington with copious extracts', *Proceedings of the Society of Antiquaries of Scotland*, ii (1854-7), 386-9; Gray & Jamieson, *Haddington*, 11, 39; Miller, *Lamp of Lothian*, 486.

<sup>61</sup> There is no record of the location of this town house either in the rental of the town or in other primary documentation. However, the location of the town-house of Patrick Hepburn, master of Hailes, is attested. It was situated immediately to the north of the tolbooth, between the lands of John Thin (originally, property belonging to the chaplain of St John the Baptist's Altar) and Peter Cockburn, SRO, GD1/413/1, f. 95v; B30/1/2, f. 11v; 'Letters and Articles of Patrick, earl of Bothwell', *Bannatyne Miscellany*, iii, 416-7, 423; Harvey, 'Rental', 279; It is possible that the tradition of 'Bothwell Castle' belonging to the earls is a corruption of the truth. The house is known to have been owned by Cockburn of Sandybeds (and as such appears in the rental). However, it is entirely possible that the earls Bothwell were tenants, and not owners, of this house.

<sup>62</sup> RMS, iii, no 389; iv, nos 1538, 1577, 1753, 2532; v, nos 62, 1026, 1870, 2047; RSS, v, nos 1881, 2686, 3321; vi, no 67; vii, no 62; vii, no 216; CBP, i, no 10; Rogers, C (ed.), *Register of the Collegiate Church of Crail* (Grampian Club, 1877), 38; Gray & Jamieson, *Haddington*, 30. Haddington was one of the largest and wealthiest nunneries in Scotland, Cowan & Easson, 147. The last prioress, Isobel Hepburn married Andrew Shetholm and conformed to protestantism, Gray & Jamieson, *Haddington*, 31. She continued to live within the abbey precinct with her husband, although the rents and dues of the abbey were acquired by lord Lindsay of the Byres, Maidment (ed.), *Liber Conventus Sancte Katherine Sinensis*, 70. She in return received a pension from the fruits which, normally, was 100 merks, EBR, v, 145, 202, 228; RMS, v, no 2091. She was still alive in 1598, EBR, v, 228.

<sup>63</sup> SRO, GD1/413/1, f. 121v; GD1/413/2, f. 38v; Harvey & Macleod (edd.), *Calendar of Writs at Yester House*, no 520; Miller, *Lamp of Lothian*, 486.

<sup>64</sup> HMC, *Twelfth Report*, app. viii, 142.

<sup>65</sup> SRO, GD1/413/2, f. 2v; GD1/413/2, f. 11v; GD1/413/22, a2; SRO, GD1/413/22, b2, f. 18r; *Laing Charters*, no 133; Chalmers, *Caledonia*, iii, 457. At least one burghess of Haddington, Adam Wilson, was indicted for treason with James, fourth earl Bothwell in 1567, APS, iii, 5.

such as the lairds of Trabroun, Clerkington and Colstoun also had close links with Haddington.<sup>66</sup>

As a result of his heritage, Francis, earl Bothwell, would have expected to play a significant rôle within Haddington town life following his return to Scotland in 1582.<sup>67</sup> One of the offices confirmed to the earl in June 1581 was sheriff of Edinburgh within the constabulary of Haddington which was the traditional source of influence for the earls Bothwell within the town. Haddington had not elected a provost until 1543, making do with the sheriff and three bailies instead. In 1543 (ironically during a period when Patrick, third earl Bothwell, was attempting to rehabilitate himself) the town decided to elect a provost to preserve its privileges. Between 1543 and 1584, Haddington chose a succession of local men to represent the highest civic authority within the burgh. The action was accomplished either as the result of a growing wish for greater local autonomy or as a safety measure to ensure no burghal disfavour when the earl Bothwell was in disgrace.

In October 1584, Francis Stewart, earl Bothwell, was nominated as burgh provost and, for the next seven years, the pre-1543 situation of the town being protected by the sheriff was reinstated. On first sight, Francis Stewart would appear to have been one of the provosts that the earl of Arran tried to impose from the centre in 1584.<sup>68</sup> However, unlike the laird of

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<sup>66</sup> SRO, GD1/39/1/71; GD1/39/1/81; GD1/39/3/4, f. 10v; B30/1/8, ff. 38r, 42r, 58v, 61v, 201r; RD1/32, p 344. Patrick Hepburn of Smeaton was made burgess of the town in February 1585 for 'spice and wine', again suggesting this was a position proposed by the earl Bothwell, SRO, B30/13/2, f. 19r. His brother, John, was appointed chaplain of the altar of the Three Kings of Cologne following the resignation of John Anderson, GD1/39/1, f. 71v. (The grant was made by the patron of the altar, David Forrest, whose curator had been Mr George Hepburn, parson of Hauch, GD1/39/1, f. 57v).

<sup>67</sup> He was aware his guardian, the earl of Morton, had possessed the position before him. In 1572, Morton was elected lieutenant and justice within Haddington and, from then, he exerted considerable influence over the area. Morton did not treat these as honorific titles as he corresponded with England from the town, held a series of privy council meetings there and continued to hold regular burghal and justice courts, Gray & Jamieson, *Haddington*, 11, 41. Bothwell's step-father, Archibald Douglas, had also been taking an active interest in town affairs in the late 1570s, SRO, GD1/39/3/4, f. 5v.

<sup>68</sup> Lynch, M, *Scotland: a New History* (London, 1991), 233.



Johnston in Dumfries,<sup>69</sup> the earl of Montrose in Perth, and even Arran, himself, in Edinburgh,<sup>70</sup> earl Bothwell was successful. This may reflect a slightly more complex situation in Haddington.

Bothwell's letter of appointment, from James VI to the town council of Haddington, was directed by Arran and John Maitland of Thirlestane, and delivered by Alexander Cook, messenger of Edinburgh (whose son was a servitor of Francis Stewart). It instructed the council to elect Bothwell as provost upon pain of rebellion. Unlike the other 'imposed' provosts, Bothwell represented, and would continue to represent, traditional authority within the area and not the imposition of an external favourite. It must have been considered extremely unlikely that the council would object to Francis Stewart as provost.<sup>71</sup>

On 10 October 1584, following his confirmation as provost, the earl was present in Haddington to swear his oath of allegiance as a freeman and honorary burgess and to attend the head court of the burgh.<sup>72</sup> James Cockburn of Kirkland of Bolton (a relative of the Cockburns of Scrailling),<sup>73</sup> who had previously been provost, clearly stated that the action of electing the king's choice was not to be seen as a precedent and that the rights of the town were not to be infringed.<sup>74</sup> On 10 October, James Cockburn and his wife, Janet Sharp, received an annual pension from the lands of Morham.<sup>75</sup>

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<sup>69</sup> *CBP*, i, no 246. See also, Brown, 'Dryfesdale Sands', 68-71, for some of the implications.

<sup>70</sup> Wood, *Lord Provost of Edinburgh*, 29.

<sup>71</sup> SRO, B30/13/2, f. 19v. James Cockburn and John Seton were to be the bailies.

<sup>72</sup> *ibid.*

<sup>73</sup> The Cockburns of Scrailling had been associated with the earls Bothwell for at least a century - William Cockburn of Scrailling had made a bond of manrent with Patrick, lord Hailes in June 1487. Fraser (ed.), *Buccleuch*, ii, 88-90; Wormald, *Lords and Men*, 94, 317.

<sup>74</sup> SRO, B30/13/2, f. 19r&v. Cockburn was one of the most experienced Haddington burgesses, having served on the council for the previous two decades and having regularly represented them at the convention of royal burghs and parliament, *RCRBS*, i, 17, 25, 49, 50, 54, 79, 80, 110; *APS*, iii, 129, 374, 423, 530; Young, M D, *The Parliaments of Scotland, Burgh and Shire Commissioners*, 2 vols (Edinburgh, 1993), ii, 777. The actual point under complaint was not, in fact, a precedent. The earl of Morton (in the king's name) had interfered, in 1574, to have John Douglas elected provost of the town, SRO, GD1/39/3/4, f. 34r. It could therefore be considered that the speech, by a Bothwell loyalist was, more or less, a 'set piece'.

<sup>75</sup> SRO, RH6/2755. See above, page 191.



The remainder of the town council elected in 1584 were, in the main, tried and tested administrators from the previous decade: William Brown, the new treasurer, had been provost for a two year period from October 1581 and had been the burgh representative to the convention of royal burghs and parliament;<sup>76</sup> John Carkettle had succeeded Brown as provost in October 1583 and had also represented the town at a national level;<sup>77</sup> John Ayton had previously served as a bailie and as the burgh treasurer;<sup>78</sup> and of the remaining eight councillors, four had served on the town council before.<sup>79</sup> Despite some attempt at selection from the court in Edinburgh, the impression of the 1584 Haddington town council was that it represented continuity. The same continuity was evident in the selection of the officers of the court: Alexander Simpson remained a town clerk; as did John Simpson, his brother;<sup>80</sup> Thomas Paterson, John Bryson, Andrew White and John Buckrame acted as town officers, as they had in previous years.<sup>81</sup>

The earl Bothwell was personally active on the town council until, at least, 1588. His appearances in record, would seem to indicate that the earl was committed to playing a full rôle in burgh affairs during his initial years of provostship. While ordinary council business underwent no noticeable change during Bothwell's provostship and while burgh representation

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<sup>76</sup> SRO, B30/13/2, *passim*; RCRBS, i, 80, 121; APS, iii, 195, 424; Young, *Parliaments of Scotland*, ii, 777.

<sup>77</sup> RCRBS, i, 47; APS, iii, 290; Young, *Parliaments of Scotland*, ii, 777.

<sup>78</sup> SRO, B30/13/2, *passim*. He too had represented the town at national level, RCRBS, i, 41, 66, 74, 127, 162.

<sup>79</sup> SRO, B30/13/2, *passim*. The town council consisted of a provost, two merchant bailies, a treasurer, twelve ordinary councillors, two craft representatives (with full voting powers) and seven craft deacons, with more limited rights. The relationship between the merchant councillors and craft councillors appears to have been more relaxed than in other burghs. In 1574, Haddington chose to send John Douglas, a cordiner, as their representative to the convention of royal burghs. The convention however, would not allow him to take his place. Gray & Jamieson, *Haddington*, 107. In 1585, a third craft bailie was introduced, meaning that Haddington, effectively, reverted back to the pre-1543 situation of a sheriff and three bailies.

<sup>80</sup> SRO, B30/10/5, ff. 24v, 74r. In the October 1585 election, another messenger, Cuthbert Acheson, arrived in Haddington with a similar directive. This time, the council was directed to elect Bothwell as provost 'under pain of rebellion and putting to the horn'. Three days before, Bothwell had already been nominated as the prospective provost in competition with James Cockburn and John Carkettle, B30/13/2, f. 27r.

<sup>81</sup> SRO, B30/10/5, ff. 12r, 17v, 36r, 37r, 43r, 47v, 48r, 54r, 72v, 73r.

at national level was unaffected, following the earl's election, some noticeable changes in procedure did occur.<sup>82</sup> In years prior to 1584, the provost had played an extremely prominent rôle in daily burgh politics. William Brown, provost in 1581 and 1582, attended over eighty per cent of the recorded council meetings and fifty-five per cent of the burgh courts; his successor, John Carkettle, in 1583, likewise attended sixty four per cent of recorded council meetings and forty-six per cent of burgh courts (however, Carkettle only attended one meeting of the burgh court in the six months following 24 March of 1584).<sup>83</sup> Francis Stewart appeared at council for the first three recorded meetings,<sup>84</sup> and then re-appeared in February and August.<sup>85</sup> While this represented only thirty per cent of the recorded meetings, in the Scottish context, it was unusual for a nobleman, to turn up at all for what was a time consuming position.<sup>86</sup> However, as the years progressed, the number of occasions Francis Stewart personally attended to council business markedly declined.<sup>87</sup>

This development would seem to indicate a fairly close and comfortable attitude to local administration. The town council certainly appreciated the benefits of having a nobleman as provost, providing him with two quarts of wine costing 30 shillings in May 1583,<sup>88</sup> half a tun of wine in February 1585,<sup>89</sup> 100 crowns seven months later,<sup>90</sup> and a further (unspecified) measure of wine, costing £30, the following year.<sup>91</sup> The day to day administrative chores were left to the town's two bailies, James Cockburn and John Seton.<sup>92</sup> Bothwell received further

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<sup>82</sup> *APS*, iii, 374, 424, 530.

<sup>83</sup> He attended on 16 June 1584, *SRO*, B30/10/5, f. 64r.

<sup>84</sup> *SRO*, B30/13/2, ff. 19r-21v.

<sup>85</sup> *SRO*, B30/13/2, ff. 23r, 25r.

<sup>86</sup> In 1584, James Stewart, earl of Arran, attended six per cent of Edinburgh meetings, *ECC*, SL7/1/7, *passim*.

<sup>87</sup> *SRO*, B30/13/2, *passim*; GD1/39/3/5, f. 25v.

<sup>88</sup> *SRO*, GD1/39/3/4, f. 14r.

<sup>89</sup> *SRO*, B30/13/2, f. 19r.

<sup>90</sup> *SRO*, B30/13/2, f. 30v.

<sup>91</sup> *SRO*, B30/13/2, f. 12r. This was in addition to a nominal fee for the post of provost, which in 1552 was 6 merks, Gray & Jamieson, *Haddington*, 95.

<sup>92</sup> The Seton families had close links with the town, similar to the earls Bothwell. The Seton and Hepburn families had been inter-linked for several generation, Janet Hepburn (d. 1556), daughter of



benefits: on the day of his election as provost, he succeeded in gaining the election as freemen and burgesses of Hercules Stewart, his half-brother, Mr Robert Hepburn of Duntarvy, his master of household, and Thomas Seton of Northrig, Patrick Hepburn of Riccartoun, and Alexander Liddell, his servitors. In all cases, the burghal election fees paid were 'in spice and wine', that is, a nominal sum. None of the new burgesses played any prominent rôle in burgh affairs, with the exception of Thomas Cockburn (the brother of the laird of Clerkington), who was frequently a bailie and went on to become provost in the 1590s. The town council of this period continued to operate as normal passing acts and bills as it saw fit. Initially, the personal appearance of earl Bothwell either in council or sitting in judgement in the burgh court did not mark any particular event, for example on 4 November 1584, the burgh court heard three cases: the first was a decree forcing John Wilkie, merchant burgess, to pay an obligation of £40; the second was a decree for payment of £10; and the third was a similar decree for £12.<sup>93</sup> In the later 1580s, however, it is noticeable that when earl Bothwell was present in council, it was normally when significant decisions affecting the town had to be taken: in August 1585, an act was passed 'Anent the plague of pest' and four council representatives were chosen to supervise each of the town's 'quarters' to ensure that no new plague victims were resident.<sup>94</sup> Bothwell was also present in person in August 1586 when the only item under discussion was past abuses of town privileges and ways to restore a more favourable situation.<sup>95</sup> In later years, Bothwell's attendance to matters in Haddington was less frequent. He was, however, prominent in 1588 during the period of the threatened Spanish invasion. He wrote to the council from Edinburgh, styling himself 'your sheriff and provost' and ordered them to hold

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the first earl marrying George, lord Seton. John Seton, bailie of Haddington, was one of the witnesses to Bothwell's grant to John Cockburn of a pension from Morham, SRO, RH6/2755.

<sup>93</sup> SRO, B30/10/5, f. 67r.

<sup>94</sup> The previous year, the town's market had been forbidden to be held for similar reason, Gray & Jamieson, *Haddington*, 88.

<sup>95</sup> SRO, GD1/39/3/5, 25.



wappinschaws within the bounds of their burgh and have provisions ready to attend the king's service within four hours warning.<sup>96</sup> He also asked them to lend him funds.<sup>97</sup>

It is clear that Francis Stewart also used correspondence with the town to interfere with justice, most noticeably in a land dispute concerning a member of the Hepburn family,<sup>98</sup> and in an on-going legal case against Alexander Simpson, the town clerk.<sup>99</sup> Simpson came from a long line of Haddington burgesses who had served the earls, but, in November 1584 he was accused of acting 'to the prejudice of the town and the hurt of the common wealth' concerning the tacking of various town properties and misappropriation of funds.<sup>100</sup> The council appointed James Gray to work alongside him as town clerk and legal procedures were begun.<sup>101</sup> Simpson's accusers desired him to be deprived of his offices and restore any misappropriations. Simpson, whether guilty or not, lodged promises of future action but, nevertheless, was removed from the position of common clerk at the end of the council session of 1585.<sup>102</sup>

Francis Stewart remained provost until 1591, being elected annually against local opposition.<sup>103</sup> The earl did not personally attend councils following 1588, however, and could

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<sup>96</sup> SRO, B30/21/66.

<sup>97</sup> SRO, GD1/413/1, f. 9r; Thomson, 'Oldest council books', 390; Gray & Jamieson, *Haddington*, 39; Francis Stewart was not the first earl Bothwell to request money from the town: in June 1531, John Hepburn, the parson of Dalry, was sent, on behalf of Patrick, earl Bothwell, to request £40 from the common good fund in order to pay gratuities to lord Seton.

<sup>98</sup> SRO, SC40/7/4, f. 61v.

<sup>99</sup> See SRO, B30/13/2, f. 39r.

<sup>100</sup> The Simpson family had been hereditary feuars within the town since, at least, the 1530s, SRO, GD1/39/3/5, f. 1r. Alexander Simpson had, however, over a period of years, greatly added to his influence within the town by acquiring gifts, vacant tenements and plots of land belonging to debtors, see GD1/39/1/65; GD1/39/1/66; GD1/39/1/74; GD1/39/3/5, f. 1r; RMS, v, 152; RSS, viii, no 304. In 1584, he was accused of acquiring the feu of Hangman's Acre (Gallowaker) and the gift of the grammar school improperly. He was also blamed for spending a large part of the common good fund in the customs dispute with Dunbar (see above, note 53) and a perambulation of Gladsmuir (the town common). Finally, he was accused with 'charging exorbitant prices for his writs', SRO, B30/13/2, f. 39r.

<sup>101</sup> Thomson, 'Oldest council books', 391.

<sup>102</sup> SRO, B30/10/6, f. 9r. He appealed against the decision a month later but was not reinstated. At the time of his protest, he still possessed the council and court books of the burgh. These were eventually handed over on 25th December. James Gray was still town clerk in 1603.

<sup>103</sup> It has been argued that there is no evidence following March 1588 for Bothwell remaining provost, Gray & Jamieson, *Haddington*, 41. The burgh council records, however, clearly note his

be accused of playing a less prominent rôle in town affairs. This, though, might be a misinterpretation and the situation might simply reflect Francis Stewart's increased influence at court and his higher priorities elsewhere. The relationship of the earl to the town, by the late 1580s, was so firmly established that the appearances to 'show face' were no longer required. The earl had suitable substitutes to carry out his needs. In 1588, Hercules Stewart appeared on record as commissioner for the provost in a legal matter (he is mentioned only as the earl's brother, not under his style as freeman and burgess) and Margaret Douglas also appeared before the court to petition for the complainant.<sup>104</sup> The earl's position must have been seen as very secure with no evidence of the Maitland/Bothwell feud spilling over into the town at any point during the 1580s.<sup>105</sup> Court politics did not greatly interfere in the running of the burgh and Bothwell was re-elected as provost in October 1589, having been out of favour for most of the preceding six months. The relationship between the town and the earl had changed over time and, by the later 1580s, was less formal and more relaxed. There is little evidence that his influence was so slight that he could, in effect, be ignored. In an 'Act anent the takeris of land', passed by the whole council (but without the presence of the provost) in 1589, the opening preamble states that 'the hail bailies, counsall and deaconis of craftis [acted] wt advyse of ye ryt noble lord francis erle bothwell, yair provest'.<sup>106</sup> The council was aware that the earl, despite his other interests, was aware of the problems and concerns of Haddington, and would act in their interests whenever possible.

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annual election in 1588 (against James Cockburn and Thomas Carkettle), 1589 (against the same) and 1590 (against James Cockburn and William Brown), SRO, B30/13/2, ff. 50v, 58r, 66r. In this last record, the surname of James is torn away, but Cockburn is the most likely reading. It is possible that the earl, despite his disgrace, was also nominated in 1591, along with James Cockburn (finally, the successful candidate) and Paul Lyle. The page of records for this election is badly torn and the gap for the name is of a size whereby either 'Frances, erle Bothwell' or Thomas Spottiswood (the candidate a year later in 1592) could have been inserted, B30/13/2, f. 76r.

<sup>104</sup> SRO, B30/13/2, f. 52r.

<sup>105</sup> *contra* Donaldson, *James V to VII*, 191.

<sup>106</sup> SRO, B30/13/2, f. 56r. As early as September 1585, the bailies had decided to 'pass to Kelso to Francis, earl Bothwell, for his opinion and advice', SRO, B30/13/2, f. 27v. In July 1586, the style of 'provost and bailies of council' was used for a document even although the provost himself was not



Miller has argued that, even after the earl's disgrace, the provosts until 1597, continued to be Bothwell 'place men'.<sup>107</sup> The evidence for this would seem patchy. The impression from the Haddington records is of continuity. The burgh operated as it had always operated, the same families - the Simpsons, Cockburns, Carkettles and Aytons dominating burghal affairs and administration. While many of the representatives of these families had served alongside the fifth earl Bothwell, there are few direct links indicating that they operated only at his say so. In April 1591, following the implication of Francis Stewart in witchcraft at North Berwick, the 'pension link' between the earl and James Cockburn of Kirkland of Bolton was broken when Cockburn exchanged his rights from Morham for a pension from William, earl of Morton.<sup>108</sup> James Cockburn was elected as provost of Haddington in October 1591 and served for three out of the next four years.<sup>109</sup>

Consequently, it could be argued that the relationship Francis, earl Bothwell, had with his principal locality was no different than the relationship the town had witnessed with the vast majority of previous Hepburn magnates and no different from how earl Bothwell conducted affairs in other areas. Francis respected the rights of the town to organise its own affairs; he, normally, allowed day-to-day decisions to be taken by others of judgement and experience; but did not hesitate to interfere in town affairs when he felt it necessary. As sheriff and provost that was his right. It is impossible, due to the lack of substantive evidence, to consider the rights and wrongs of each individual case of interference but such behaviour was certainly not uncommon in sixteenth century jurisprudence. It was a habit of subverting the judicial system which Bothwell also demonstrated in Edinburgh in the 1590s.

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present (the normal and consistent form for the minute books in such a situation was to use the style 'bailies, council and deacons'), SRO, GD1/199/36. See also GD1/39/2/6.

<sup>107</sup> Miller, *Lamp of Lothian*, 216.

<sup>108</sup> *RMS*, v, no 1859.

<sup>109</sup> SRO, B30/13/2, f. 76r.



## sheriff of Edinburgh within the constabulary of Haddington (1581-91)

The link between the burgh and its surrounding hinterland, the sheriffdom, was strong. The head courts of the constabulary of Haddington met three times a year and brought together the majority of landowners within the sheriffdom.<sup>110</sup> Although Bothwell rarely attended the head courts, they comprised the major landowners of the locality who had a daily interest in the earl's administration and justice (if not for themselves then certainly for their tenants) and whose tenants made up the majority of royal levies from the country when called to a muster.<sup>111</sup>

Francis Stewart, while still on the continent, had been granted the office of sheriff of Haddington, a fortnight after the execution of the previous holder, regent Morton.<sup>112</sup> Following the exile of the previous earl Bothwell, there had been a diminution of comital authority within the locality. As with the other Hepburn offices he had acquired, James, earl of Morton, had been played a prominent part in their administration.<sup>113</sup> In 1573 and 1574 justice ayres were

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<sup>110</sup> Lords of regality did not have to attend head courts and others attended by procurators, see McNeill, P G B (ed.), *Practicks of Sir James Balfour*, 2 vols (Stair Society, 1962-3), ii, 289. The landowners within Haddingtonshire entitled to attend the head courts included: the earls of Argyll, Gowrie and Marischal; the lords Boyd, Home, Lindsay of the Byres, Saltoun, Seton and Yester; the lairds of Adinston, Athelstaneford, Ballincrief, Barfoot, Barns, Bass, Beanston, Billie, Blans, Bolton, Broxmouth, Cakemuir, Clerkington, Colstoun, Congilton, Cranston-Riddell, East Craig, Easter Pencaitland, Elphinstone, Fawside, Fortune, Gammilshiels, Garmilton, Gilmerton, Gosford, Gourlaybanks, Hartlywood, Hedderwick, Heprig, Herdmanston, Heuch, Humble, Innerwick, Johnstonburn, Kidlaw, Kirklandhill, Knowis, Lammington, Lethington, Linplum, Little Preston, Longniddry, Meikle Spott, Moyshiel, Nether Grange, Nether Weltoun, Newhall, Newton, New Grange, Northrig, Ormiston, Pinkarton, Pitcox, Popple, Preston, Rouchlaw, St John's, Saltcoats, Saltoun, Samuelston, Scatibus, Scowgall, Smeaton, Stoneypath, Stottencleuch, Sydserf, Tantallon, Templehall, Thornton, Trabroun, Waddellie, Waughton, Wester Pencaitland, Whitekirk, Whitlaw and Whittingham; the heads of the religious houses of Dunglass, Elcho, Holyrood, Newbattle; and the provosts of North Berwick and Haddington, SRO, SC40/7/3, ff. 1v, 62r&v, 70v, 84r, 88r, 117v; SC40/7/4, f. 54v; SC40/7/5, ff. 30r, 74r-75v, 125v; APS, iii, 122; RPC, iv, 783.

<sup>111</sup> These musters were not always the sheriff's duty, in 1582, the earl of Montrose was lieutenant responsible for the fencible men of Haddington and Edinburgh, RPC, iii, 498, 519, 524; in 1584 colonel Stewart was made lieutenant for the three Lothians, CSP Scot, vii, no 180.

<sup>112</sup> RMS, v, no 218.

<sup>113</sup> Following the forfeiture of James, fourth earl Bothwell in 1567, James, earl of Morton, represented the best chance of security for tenants in Haddingtonshire whether or not he possessed any formal title (he was not appointed sheriff until 1571). In 1570, burgess representatives of Haddington went to Edinburgh to consult with Morton concerning national and local affairs, Miller,

held in Haddington for the administration of law and order. These ayres related not only to Haddingtonshire but also the sheriffdom of Berwick and the bailiary of Lauderdale.<sup>114</sup> In the subsequent four years, three further ayres for Haddingtonshire were held. These took place not in Haddington, however, but in Edinburgh.<sup>115</sup> While such actions are understandable in the context of Morton's many responsibilities, they constrained the autonomy of Haddingtonshire and made it more of an adjunct to the capital. Lacking an earl Bothwell, influence in the sheriffdom was dispersed to a variety of different people: in 1575, William, lord Borthwick and William Lauder of Halton were given responsibility (along with Morton) for calling wappenschaws;<sup>116</sup> following the marriage of Isobel Hepburn, the last prioress of Haddington, the lands of the nunnery were annexed to the crown and distributed in small 'patronage packages' to local magnates (or their relations);<sup>117</sup>

in 1581, lord Lindsay of the Byres (who was already bailie for the priory of St Andrews within Haddingtonshire) was made tacksman for the fruits of Haddington Nunnery;<sup>119</sup> and, in 1581, David Sinclair of Blans and David Collace of Auchinfarslie were both noted as sheriffs principal of Haddington with George Home, fiar of Spott (later earl of Dunbar and a strong opponent of Bothwell) as depute.<sup>120</sup>

Bothwell's return to Scotland marked a consolidation of authority within the sheriffdom. The fall of Morton had left the constabulary and its main burgh in a state of confusion with cases

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*Lamp of Lothian*, 77. In 1573, he accepted a gift of 'ane puncheon of claret wine' worth £22 from Haddington, *ibid.*, 79.

<sup>114</sup> *TA*, xii, 272.

<sup>115</sup> Hewitt, *Scotland under Morton*, 142.

<sup>116</sup> *APS*, iii, 92.

<sup>117</sup> *RMS*, v. no 336.

<sup>119</sup> *RSS*, viii, no 216. He had previously received a grant of certain of the nunnery lands, *RMS*, v, no 20.

<sup>120</sup> *SRO*, SC40/7/3, ff. 1r, 10v, 19r, 26r, 44r. It would appear that when David Sinclair of Blans convened the head court of the sheriffdom on 9 March 1581 his office was not renewed. There is insufficient evidence to state the extent of Spott's authority. He was junior depute and, as far as is recorded, never heard cases on his own. One week after Bothwell's return, David Collace sat as a judge in the sheriff court. This was the last time he was addressed as sheriff principal and, from then on, he was addressed as sheriff depute *SRO*, SC40/7/3, f. 85r; SC40/7/4, ff. 54r, 56r.



of wrongful and violent occupation of land serious enough to require settlement by the privy council.<sup>121</sup> Three days before Francis Stewart arrived back in Scotland, a petition was passed in the sheriff court to attempt to obtain a copy of the protocol books of Haddington, previously belonging to Thomas Steven.<sup>122</sup> This might indicate the actions of representatives of an incoming landlord seeking to check recent (and not so recent) developments within the sheriffdom. On 8 October 1582, Francis Stewart, attended the head court of Haddingtonshire.<sup>123</sup> It was the first opportunity he had to attend such a gathering and marked his intention to play a 'hands-on' rôle. The records of the weekly sheriff courts (generally, held on Saturday - the market day), the occasional justiciary courts and the tri-annual head courts, are, like those of the burgh, largely unspectacular. The court dealt with small debts and obligations,<sup>124</sup> lands disputes,<sup>125</sup> recognition of lawful heirs,<sup>126</sup> legal actions,<sup>127</sup> and other minor matters. A person such as Francis Stewart, who was sheriff of Edinburgh, Haddington, Berwick, bailie of Lauderdale and admiral could not be expected to attend to his judicial and administrative functions in anything more than a cursory manner. That said, during the administration of Francis Stewart, there is no evidence that justice was administered anywhere other than Haddington and so Bothwell, in some respects, could thus be seen to be restoring the local autonomy which Morton had threatened.

Even when Francis, earl Bothwell, was present in the country, he relied heavily on deputies. For all of the period of his jurisdiction, John Cockburn of Kirkland of Bolton was the senior, active, sheriff depute. He had held that position since, at least, 1568, and his experience and numerous local connections would seem to indicate he was perfectly suited for the job.<sup>128</sup> He

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<sup>121</sup> *RPC*, iii, 525-7.

<sup>122</sup> SRO, SC40/7/3, f. 77v. It is not recorded whether this action was successful.

<sup>123</sup> SRO, SC40/7/3, f. 84v.

<sup>124</sup> For example, SRO, SC40/7/3, f. 85v.

<sup>125</sup> For example, SRO, SC40/7/3, f. 94r.

<sup>126</sup> For example, SRO, SC40/7/3, f. 90v.

<sup>127</sup> For example, SRO, SC40/7/3 f. 91r.

<sup>128</sup> SRO, PS1/54, f. 59v; *RMS*, iv, no 1178.



served under three or four sheriff principals and David Sinclair of Blans, one of his fellow shrieval officers, was a relative by marriage.<sup>129</sup> The duties of the hereditary sheriffs, and their deutes, were already under attack during the reign of James VI.<sup>130</sup> Regardless of this, in 1586, Francis Stewart formally presented David Collace of Auchinfarslie to the position as 'his principal depute'.<sup>131</sup> The presentation created Collace as depute to Francis Stewart in all his areas of jurisdiction but can only have been of limited significance - Collace, like Bothwell, could not function simultaneously in all areas. While it is known that Collace did intervene in some of the matters he was given authority over, most notably in respect to the admiralty, in Haddingtonshire, John Cockburn continued his regular function as sheriff depute. Some of the earl's household officers, tenants, and close family associates were also favoured with positions as deutes, for example, Robert Hepburn, Robert Learmonth in Morham, Robert Castravit and Patrick Brown of Colstoun.<sup>132</sup>

Other people were employed to run the sheriff court and the minor officers represented continuity with the past. Three generations of Alexander Simpsons served both to the sheriffdom and to the burgh courts as notaries and clerks; John Simpson (Alexander Simpson's brother),<sup>133</sup> George Jones,<sup>134</sup> John Buckrame,<sup>135</sup> George Liddell,<sup>136</sup> James

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<sup>129</sup> *RMS*, iv, no 2532.

<sup>130</sup> Malcolm, C A, 'The office of sheriff in Scotland: its origin and early development', *SHR*, xx (1923), 301. The acts against sheriffs were inoperative by 1595. It would thus seem the sheriffs either collectively ignored it, or the crown and their representatives did not have sufficient authority to impose it, *APS*, iii, 422, 509; Malcolm, 'Office of sheriff', 301.

<sup>131</sup> *ER*, xxi, 616.

<sup>132</sup> *SRO*, GD1/39/1/66; *SRO*, SC40/7/4, ff. 60v, 61r, 68r. At times, the deutes sat on their own, while, at others, they sat along with John Cockburn.

<sup>133</sup> It is possible that David Collace, on attending his first court as sheriff principal, tried to change some of the court officials. Two sets of officers are recorded on 3 August 1581 - in the earlier set, John Buckrame does not appear, but George Jones returns, after failing to be noted in the position in April 1581. Buckrame, seemingly, was replaced by John Simpson, but this is reversed in the later set of records and Simpson does not appear again in the extant record.

<sup>134</sup> *SRO*, SC40/7/3, ff. 1r, 44r.

<sup>135</sup> *SRO*, SC40/7/3, ff. 1r, 26v, 44r, 84v.

<sup>136</sup> *SRO*, SC40/7/3, f. 85r. David Collace is noted as introducing a new sheriff officer. How long Liddell remained in post is uncertain (if he acted at all) as within two months (following the return to the country of Francis, earl Bothwell) another officer is named. Liddell reappears in record, as a sheriff officer, in 1586, *SRO*, SC40/7/4, f. 56v.

Provand,<sup>137</sup> and James Swane,<sup>138</sup> served as sheriff officers; and Patrick Burne and Peter Curry, acted as dempstars.<sup>139</sup> There was some duplication between officers of the burgh and sheriff courts but it would seem that Bothwell did not require to be as aware of constabulary sensibilities compared to those of the burgh: in 1586, following the legal claims (which were prosecuted in the burgh court) against him, Alexander Simpson was not replaced as sheriff clerk even though he did lose his position as town clerk.<sup>140</sup>

Whilst it is sometimes difficult to prove conclusively that a kin nexus, such as the Hepburns, existed in anything other than the minds of historians, the court records of Haddington demonstrate that, at least in terms of eastern Lothian, such a positive assertion can certainly be made. The various branches of the Hepburn family were definitely aware of each other, frequently worked together on assizes and inquisitions (some almost read like a roll call of the Hepburn families of the area),<sup>141</sup> and, occasionally, Hepburns banded together to combat outside interests.<sup>142</sup> The implications this had for a Stewart earl are significant: there was regular contact concerning judicial and other business and the fact that the Hepburns remained a powerful force in and around Haddington during the period of Francis Stewart's tenure of the earldom meant that Francis had to be aware of his heritage and their rights.

It could thus be claimed that, like the other of Francis Stewart's offices, the sherifffdom of the constabulary of Haddington meant little to him except in times of need. He did not regularly

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<sup>137</sup> SRO, SC40/7/3, f. 84v.

<sup>138</sup> SRO, SC40/7/3, f. 86v; SC40/7/4, f. 59v.

<sup>139</sup> SRO, SC40/7/3 ff. 1r, 44r. A similar situation to the sheriff officer occurred with the office of dempster - Patrick Burne is replaced by Curry in the earlier record but reappears in the later set, SC40/7/3 f. 44r.

<sup>140</sup> *Laing Charters*, no 446. He served until, at least, 1590, SRO, SC40/7/3; SC40/7/4; SC40/7/5 *passim*; *RMS*, v, no 1804. Simpson received a grant of lands within Haddington during the Ruthven regime, *RMS*, v, no 497.

<sup>141</sup> For example, SRO, SC40/7/3, f. 72r. In a case pursued for James Lawson of Humble, the assize included Harie Hepburn of Seton, William Hepburn of Gilmerton, William Hepburn of East Craig, Patrick Congilton of that ilk (husband to Margaret Hepburn, daughter of Hepburn of Waughton), sir Patrick Hepburn of Luffness and George Hepburn in Athelstaneford; SC40/7/3, f. 111v. The subsequent inquisition included the lairds of Gilmerton, Over Hailes, East Craig, Kirklandhill, and Congilton.

<sup>142</sup> For example, SRO, SC40/7/3, f. 71r.



attend the meetings (even the more important head courts) and left all administration and judicial action in the hands of deutes. This, however, might be too unfair. It is clear that administration of justice was something Francis Stewart felt strongly enough about to personally intervene on a number of occasions. Accounts for the sheriffdom are normally noted as being rendered by him, only occasionally are the deutes mentioned<sup>143</sup> and a statement made in 1589 that 'most of the inferiors follow the earl Bothwell as sheriff'<sup>144</sup> would seem to indicate that even if he only received respect that was due him for his office, he did not do anything which forfeited that respect and consequently that support.

#### **sheriff of Edinburghshire (1581-91)<sup>145</sup>**

The relationship between Francis Stewart, the capital and its hinterland would seem to be almost a mirror image of his relationship with Haddingtonshire. In Haddington, Francis Stewart was active early in his political career and relatively lax later on; in Edinburgh (apart from a number of civic receptions), the frequency of his contact with the burgh and sheriffdom increased as his career progressed. While it is difficult to assert with any authority why this was so (the relevant sheriff court records not being extant), it would seem to fit well with his growing political stature in the later 1580s and his increasing responsibilities at court. As courtier, sheriff and admiral, the earl would have been a familiar figure within the town and he certainly appreciated the importance of position in Edinburgh, coveting the captaincy of

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<sup>143</sup> *ER*, xxi, 15, 322.

<sup>144</sup> *CSP Scot*, ix, no 576.

<sup>145</sup> Since 1482, the town of Edinburgh possessed shrieval jurisdiction within its own boundaries. In many ways, this meant that Edinburghshire operated like Berwickshire, divorced from its natural centre. Although the head court of the burgh had not met since the middle of the fifteenth century, the head court of the sheriffdom continued to meet throughout the period, Robertson, D, Wood, M, & Mears F C, *Edinburgh, 1329-1929* (Edinburgh, 1929), 109; Lynch, *Edinburgh and the Reformation*, 3.



Edinburgh Castle in 1584.<sup>146</sup> It is not certain if, like his uncle, Francis Stewart maintained a property in the capital as he preferred to stay at either Crichton or Leith. At one point, however, there is an indication that, when in favour, he possessed a chamber or suite of rooms within Holyroodhouse (as his uncle had) and on another occasion, the English ambassador mentioned his rooms in the town.<sup>147</sup>

In the most politicised region of the realm, Bothwell, as sheriff, had to contend with an active central government willing to interfere in the administration of his sheriffdom. For example, in 1584, due to a general *reluctance* by the populace to return small coin to the government mint, a decree was issued which forbade use of such coin solely in the shires of Edinburgh and Haddington, as the major trading centre;<sup>148</sup> also in 1584, following the rebel earls' action at Stirling, the earl of Rothes, commendator of Pittenweem and Alexander Erskine of Gogar were given a general commission to hold courts within the shires of Edinburgh, Haddington and Berwick to apprehend supporters of the action;<sup>149</sup> in 1585, due to the king's absence from Edinburgh, all courts and jurisdictions within the capital were suspended for three weeks (including the sheriff courts);<sup>150</sup> and, in 1589, the master of Glamis was given responsibility for administering justice in criminal cases in Haddington and Berwick while John Home of Coldenknowis held similar jurisdiction for Edinburgh, Linlithgow and Stirling.<sup>151</sup>

As in Haddington, the earl of Morton had been responsible for an active administration in the 1570s,<sup>152</sup> and many of the landholders and officials whom Bothwell had to deal within Edinburghshire also were associates from Haddingtonshire (for example, lord Lindsay of the

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<sup>146</sup> *CBP*, i, no 388.

<sup>147</sup> *CSP Scot*, x, no 409.

<sup>148</sup> *RPC*, iii, 627-8.

<sup>149</sup> *RPC*, iii, 670-1.

<sup>150</sup> *RPC*, iii, 748.

<sup>151</sup> *CSP Scot*, ix, no 539.

<sup>152</sup> *RPC*, ii, 577; *CSP Scot*, v, nos 223, 226; *EBR*, iv, 45-7; *TA*, xiii, 329-48. The only extant sheriff court records from the sixteenth century related to a brief Morton's period of sheriffship. The earl does not appear in the record in an official capacity, SRO, SC39/1/1.

Byres who had been provost of Edinburgh from 1572-6 and continued to contribute some of the Haddington Nunnery fruits to the town into the 1590s). Bothwell's potential influence in the capital was recognised at an early stage. On 24 November 1582, Henry Charteris, burgess of Edinburgh, was reimbursed the sum of £11 2s for the town council's expenditure on a banquet to welcome home Francis, earl Bothwell.<sup>153</sup> Three days earlier, William Bisset had been granted burgess status within Edinburgh at the request of the earl and without having to make any payment.<sup>154</sup> Like Haddington, Edinburgh appreciated the need to court the nobility who operated within their sphere of influence and, in Bothwell's case, the close association was confirmed eighteen months later when the burgh part funded the festivities surrounding the baptism of Francis Stewart's son and heir (also called Francis) in April 1584.<sup>155</sup>

As in Haddington, the day-to-day administration of shrieval affairs was carried out by sheriff deutes and court officials. Morton had utilised a number of Edinburgh lawyers (including Henry MacCalzean and Thomas Craig) as sheriffs depute and some of them continued in this rôle under Bothwell.<sup>156</sup> In 1586, Francis Stewart installed David Collace as his principal sheriff depute (as in the other jurisdictions). Collace was to be assisted by men such as Edward Thomson and James Foulis.<sup>157</sup> As in Haddington, there was some duplication of duties - Robert Cathcart, sheriff clerk of Edinburgh, also operated as admiral clerk (as had John Mossman before him);<sup>158</sup> John Dalmahoy acted as officer to the admiral, as well as crown searcher and burgh official;<sup>159</sup> Robert Stewart, macer in the Edinburgh sheriff court,

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<sup>153</sup> *EBR*, iv, 261.

<sup>154</sup> ECC, SL7/1/6, 220. It was not unusual for appointees of powerful lords to be admitted to burgess rank without payment. In 1576, John Provand had been granted burghal rights at Morton's request and, in 1584, a burgess was admitted at Seton's request, ECC, SL7/1/7, 67; Lynch, *Edinburgh and the Reformation*, 155.

<sup>155</sup> ECC, SL7/1/7, 82; *EBR*, iv, 332.

<sup>156</sup> HMC, *Twelfth Report*, app. viii, 98, 100; Pitcairn (ed.), *Criminal Trials*, i, 118; Smith, D B, 'Sir Thomas Craig, feudalism', *SHR*, xii (1915), 279. Craig was a lawyer who was close friends with Alexander King and François Hotman, correspondents of Bothwell, *ibid.*, 271-302.

<sup>157</sup> SRO, RH6/3010.

<sup>158</sup> *RPC*, iii, 338.

<sup>159</sup> Mowat, *Port of Leith*, 131-2.



was one of Bothwell's personal servitors; and John Bog, officer in Leith, was probably related to the family of the same name who were servants of the earl.<sup>160</sup> The cross-over of offices, can not be seen as only indicative of trust the earl placed in a small number of men - it also represented a practical application of resources, especially when shrieval courts and admiralty courts could be held at the same time.<sup>161</sup>

On occasion, Francis Stewart did act in his capacity as sheriff, as in January 1590 when he ordered messengers to deliver an instrument of eviction to Marion Cockburn in Restalrig.<sup>162</sup> Also as sheriff, Bothwell was responsible for capturing rebels as decreed by the central courts,<sup>163</sup> and for settling rightful possession in land disputes.<sup>164</sup> In the later 1580s, the earl was the second named (behind Angus) in two commissions against Jesuits and papists for Edinburghshire, Haddingtonshire and Lauderdale.<sup>165</sup> An additional duty for the sheriff of Edinburgh to perform was the requirement to attend the constable and marischal at the official opening of parliament. His duties within the parliament apparently included calling the roll of representatives and exacting fines from absentees and latecomers.<sup>166</sup> While the origins of this rôle are unclear, it would have had interesting implications in two parliaments of James's

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<sup>160</sup> *EBR*, iv, 253; v, 11; Thomson, T, Macdonald, A, & Innes, C (edd.), *Registrum Honoris de Morton*, 2 vols (Bannatyne Club, 1853), ii, 316. Similar cross-over patronage had been prevalent under James, fourth earl Bothwell. For example, Thomas Craigwallis, one of the earl's porters and men of the chamber, held one merkland of land within Hailes but also acted as gate-keeper of Haddington priory and admiral officer in Leith (where he was resident), Miller, *Lamp of Lothian*, 79-80.

<sup>161</sup> Calderwood, v, 139. Those entitled to attend head courts within Edinburghshire included: the earls of Gowrie, Marischal and Morton; lord Borthwick; the lairds of Auchindinny, Baberton, Bavelaw, Bonnyton, Braids, Cairns, Calder, Carberry, Coalnewton, Cockpen, Corstorphine, Craighouse, Craiglockart, Craigmillar, Crammond, Curriehill, Dalhousie, Dalmahoy, Dryfen, Edmonston, Gogar, Gordonshall, Granton, Hallhouse, Haltoun, Hawthornden, Hill, Innerleith, Killeith, Kincaid, Lowrieston, Lugton, Merchiston, Monkton, Nether Marischal, Newbyre, Newhall, Niddry, Ormiston, Penicuik, Pilrig, Pittendreich, Poltoun, Priestfield, Pumpherston, Ratho, Reidhall, Richardston, Roslin, Ross, Rouchbank, St Gelisgrange, Selmis, Sheriffhall, Smeaton, Southhouse, Warriston, Whitehill, Womett, Wrighthouses; and the commendator of Newbattle, *APS*, iii, 122; *RPC*, iv, 783.

<sup>162</sup> *NRA(S)* 217/3/211.

<sup>163</sup> *RPC*, iv, 435-6, 490; *APS*, iii, 524-5.

<sup>164</sup> *RPC*, iv, 587.

<sup>165</sup> *RPC*, iv, 301, 463-7.

<sup>166</sup> Malcolm, 'Office of sheriff', 302.



reign: in 1584, Bothwell lodged a protest to 'have his place in parliament and room to sit as did his predecessors, with vote and other honours';<sup>167</sup> and in 1587, Bothwell refused to attend parliament following a dispute with the earl of Crawford concerning precedence.<sup>168</sup>

Bothwell and the town council did not always see eye-to-eye in the carrying out of the earl's shrieval duties. One area where there was particular friction was in the frequent calling of wappinschaws. These military manoeuvres, for the burgh and the sherifffdom, took place on the Burghmuir. While some passed off without incident, others were the cause of considerable anxiety within the council chamber. In July 1587, Bothwell ordered a wappinschaw for the sherifffdom to assemble on the moor. The town council feared that his real intention was to attack the tenants of the newly feued parts of the Burghmuir (why is unclear).<sup>169</sup> As a result of their anxiety, the council sent some of their number to go to the earl and David Collace, his depute, to persuade them to postpone or cancel the event. To help Bothwell come to his decision, the council also authorised the delivery to the earl of half a tun of best Bordeaux wine along with half a tun of lesser quality Spanish wine (which represented an investment of between £600 and £700 on their behalf).<sup>170</sup>

Another area where Bothwell and Edinburgh town council did not always agree concerned the port of Leith. Bothwell, as admiral, had wide-ranging powers but the council had the right to extract fees, prosecute wrong-doers and satisfy burghal legislation.<sup>171</sup> This left considerable room for conflict between the two jurisdictions. During the time of the armada threat, Francis,

<sup>167</sup> *APS*, iii, 290; Malcolm, 'Office of sheriff', 302.

<sup>168</sup> *CSP Scot*, ix, no 523. The right of the sheriff of Edinburgh to attend parliament continued until, at least, 1693, Malcolm, 'Office of sheriff', 302.

<sup>169</sup> Bryce, W M, 'The Lands of Whitehouse', *Old Edinburgh Club*, x, 32, 35-54. The earl was patron (not superior as Bryce claims) of the lands of the prebendary of Whitehouse on the Burghmuir. These lands were feued by the family of Eupheme MacCalzean, tried as a witch in the 1590s. For previous wappinschaws under Bothwell's jurisdiction, see SL7/1/7, p. 100; *EBR*, iv, 345.

<sup>170</sup> *ECC*, SL7/1/8, 96; *EBR*, iv, 495. The figures are if contemporary prices of Bordeaux at 6s a pint and other Spanish wine at 5s 8d a pint are taken as a rough guide, *ECC*, SL7/1/8, 72, 97; *EBR*, iv, 484, 496; Gibson, A J S, & Smout, T C (edd.), *Prices, Food and Wages in Scotland, 1550-1780* (Cambridge, 1995), 63.

<sup>171</sup> *ECC*, SL7/1/7, 33; *EBR*, iv, 302.

earl Bothwell, was directed 'to attend to his charge of the admiralty' and the sheriffdoms of Edinburgh, Haddington, Linlithgow and Lauderdale were charged with the protection of the king.<sup>172</sup> From 1588, the relationship between the earl and the town, while increasing in frequency, also increased in acrimony. Perhaps the principal reason that earl Bothwell is more evident in the later 1580s is that the town council had more to complain about. The threat of the armada averted, in September 1588, the town council was at odds with the earl over the exactions he had taken from ships in Leith as a result of his position. In October 1588, the council refused Bothwell a request for money, stating that they found it 'not expedient'.<sup>173</sup> They went further, and complained to the king that earl Bothwell was constantly harming their interests and usurping their privileges: he was taking money that belonged to them; he had captured and imprisoned an Edinburgh merchant when he was travelling to the town from Leith; he was arresting ships within the Forth and hindering their passage out of port. As a result, the town council set up a nightly watch to prevent the earl making further incursions to the detriment of the town.<sup>174</sup>

While Bothwell was assistant governor, the town council initially appeared more conciliatory towards him: in December 1589 they accepted a petition from him to allow John Hog, onetime officer of Leith, to trade within the burgh, despite a decree of banishment against him. Events soon returned to their old course however, and a month later, the council found it necessary to send a commission to Francis Stewart deploring the wrongs done by captain Hackerston to the town and their servants. Hackerston was a well known pirate within the patronage of Bothwell, and this act would seem to indicate that he also held some legitimate office of the earl to allow him to collect admiralty dues - probably the post of officer he later held under the duke of Lennox. The council noted that the admiral expected one gold penny off each ship sold

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<sup>172</sup> *RPC*, iv, 306-9.

<sup>173</sup> *ECC*, SL7/1/8, 177; *EBR*, iv, 530.

<sup>174</sup> *CSP Scot*, x, app. no 4.



or exchanged within Leith (as was his right). They were not pleased and concluded that they would 'not suffer the same any longer'. Undoubtedly as a result of a less than favourable response, the council decreed, a week later, that the customars of Leith were to actively prevent captain Hackerston and his servants from taking duty from the ships.<sup>175</sup>

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The basis of the authority of Francis Stewart as earl Bothwell rested in Lothian. Like his Hepburn predecessors, the fifth earl saw himself as a powerful courtier noble whose area of immediate interest centred on the lands around the capital. In two of the most heavily populated and economically advanced sheriffdoms, Bothwell played a rôle to promote the values and traditions as they had always been. There was room for considerable conflict with other figures of authority within the locality and with central government, however, the strength of Bothwell's character, his wealth and his connections frequently allowed him to prevail. Although the earl's relationship with his principal locality changed over time (he paid more attention to Edinburgh and Crichton than to the more traditional Hailes) and although his holdings in Lothian were small compared to his landed interests on the border, they still brought considerable wealth and, more importantly, connections.

There was considerable cross-over patronage within the earl's offices and holdings but, unfortunately, insufficient details of the earl's affinity remain extant for anything but the loosest of conclusions to be drawn. The connections of Bothwell were vital as they allowed not only for secure administration in times of peace but also support in times of conflict. The connections of Bothwell were also important in that they provided the earl with a palpable link to his Hepburn forebears - his mother's family continued to dominate land and positions in

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<sup>175</sup> Seton, B, 'The vice admiral and the quest of the golden pennie', *SHR*, xx (1923), 125.



and around Haddington (despite the rise in favour of newer court agents) and this remained highly significant through the 1580s when there appears little evidence to confirm any demonstrable Bothwell/Maitland feud in eastern Lothian. Traditional loyalty still appears to have been a significant factor in support for the earl when circumstances at court might have suggested otherwise.

## ***CHAPTER FIVE***

***Lordship and administration on the periphery:  
the borders and the isles***

In 1966, T I Rae began his investigation of sixteenth century border administration with the comment: 'the administrative problem in the borders arose from the isolation of the region and the turbulent character of its inhabitants'.<sup>1</sup> His opinion located the 'problem' firmly on the border and considered legitimate authority only to emanate from the centre and 'civilisation'. There are a number of considerations that any study of the sixteenth century border (or any other peripheral region) must bear in mind. Firstly, part of the border (the area of the east march) was far from isolated and, indeed, was a vital link in the communication chain between Edinburgh and Berwick. Yet, when it suited a specific purpose, governmental authoritarian gestures could still be ignored.<sup>2</sup> Secondly, on numerous occasions during the sixteenth century, the very roughness of the border inhabitants was a positive asset to the Scottish crown. Finally, in many cases, it was central government policy which proved to be the 'problem': the attempt to counteract the 'isolation' prevailing in the middle and west marches by placing a courtier noble in control, by its very crudeness, was doomed to fail. To be effective, the selected nobleman had to remain regularly in the area under his control in order to daunt (or, alternatively, gain the respect of) the inhabitants. This restricted the nobleman's opportunities to be close to the government at court and provided greater opportunity for him to 'turn native'. The central administration were in a Catch-22 position: by placing an effective administrator in a sensitive area, it threatened a more co-ordinated response and greater willingness to oppose the very authority attempting to be employed.

Bothwell's border possessions were extensive and, besides the traditional family lands, he also held the commendatorships of Kelso and Coldingham and the lordship of Liddesdale. The difference between these holdings and others possessed by the earl was that, in each case, the holdings included regality jurisdiction. In the marches, only seven lordships were held in

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<sup>1</sup> Rae, *Administration of the Scottish Frontier*, 1.

<sup>2</sup> Paton, G C H (ed.), *An Introduction to Scottish Legal History* (Stair Society, 1958), 357.



regality and Bothwell possessed three of them.<sup>3</sup> Combined with his ecclesiastical patronage and his offices of sheriff of Berwickshire and bailie of Lauderdale (a lordship where the king was the nominal lord), Bothwell's authority was extensive.

### earl Bothwell

By the end of the sixteenth century, the majority of lands which pertained to Bothwell by virtue of his personal lordship were in the hands of feuars or creditors. For example, part of Prendergust (extending to twenty husbandlands) had been mortgaged to William Home of Lochtullo by the third earl and, another part (extending to eight husbandlands) had been alienated to John Home of West Reston following the forfeiture of the fourth earl.<sup>4</sup> Due to the misfortunes of Patrick and James Hepburn, the Bothwell patrimony was severely depleted and this accounted, in no small way, for the growth in authority of other families (but particularly the Homes) in the mid-sixteenth century.

As a nobleman with extensive income and a significant amount of surplus money, Francis Stewart was in a position to be able to redeem some of the previously alienated land. In July 1589, earl Bothwell entered into a transaction with John Home of West Reston (who was also a tenant of Bothwell acting as commendator of Coldingham) to purchase his rights within Prendergust for £1,000. This did not presage any real change in physical land holding as John Home was still accepted (and confirmed) in his tenancy.<sup>5</sup> However, it did mean that Francis Stewart was again entitled to the receipt of the feudal casualties and due rents. Such a transaction was by no means an isolated example and, would seem to indicate that Francis Stewart took his responsibilities for recovering his lost Bothwell heritage seriously. The fact

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<sup>3</sup> Rae, *Administration of the Scottish Frontier*, 16.

<sup>4</sup> Prendergust was a small barony in Berwickshire between Coldingham and the English border, see *Appendix 4*.

<sup>5</sup> See *Appendix 4*.

that it also gave more legitimacy to his authority in the region also would have been a fact not lost on the other local landowners.<sup>6</sup>

As well as re-purchasing the rights to traditional lands, Bothwell also attempted to extend his lordship on the border. In 1583, he made an agreement with James Hamilton of St John's Chapel (the husband of Mary Hepburn, great grand-daughter of Patrick, first earl Bothwell) to purchase the whole of the lands of Sprouston called Charterhouse.<sup>7</sup> The earl was either to pay Hamilton £1, 833 6s 8d or infeft them in an annual rent valued at £183 6s 8d from Sprouston, Northfield in Coldingham or Over Hailes in Haddington.<sup>8</sup> Bothwell also attempted to secure for himself, by royal favour, the tenancy rights within Cockburnspath in the north of Berwickshire. These lands had belonged to the earls of Angus but were close to other Bothwell spheres of influence.<sup>9</sup>

Francis Stewart's authority was not spread as extensively over the border as that of the first earl Bothwell and was confined to a concentrated area on the east and middle marches. The preference of Bothwell for residing at Kelso,<sup>10</sup> meant that not only was he centrally placed for all his own land-holdings but he was also closely situated beside his wife's terce lands of Eckford and his step-son's estates of Buccleuch. [see Map 3]

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<sup>6</sup> SRO, RH6/2488, RH6/2510. It is not possible to trace accurately all of Bothwell's tenorial transactions. Occasionally, lands simply disappear from view. For example, although a holding of one ploughgate of lands in Lambden is mentioned in the grants of the first and second earls, it never re-appears in subsequent charters. It is possible that the earls Bothwell retained the rights to the superiority or feu the land (possibly in conjunction with their office as sheriff of Berwickshire) but it is equally possible that the lands reverted to the Haliburtons following the death of Margaret Hepburn, the wife of Patrick, lord Haliburton, see *Appendix 4*.

<sup>7</sup> The lands were held in feu from the Charterhouse of Perth.

<sup>8</sup> HMC, *Twelfth Report*, app. viii, 163-4; Hamilton, G (ed.), *A History of the House of Hamilton* (Edinburgh, 1933), 760.

<sup>9</sup> *CSP Scot*, vii, no 308; see below, chapter 7.

<sup>10</sup> For example, *CSP Scot*, vi, nos 627, 691; *CBP*, i, nos 186, 292.



## sheriff of Berwickshire

From the 1530s there had been a steady erosion of the authority and power of sheriffs in their localities as central government assumed greater powers to itself.<sup>11</sup> While it is unclear if the sheriffs put up any concerted resistance, the period also co-incided with the disgrace of Patrick Hepburn, third earl Bothwell, and the significant increase in authority of the Home family on the east march. An act of parliament as early as 1455, had forbidden hereditary office holders in sheriffdoms, however, it was never enforced and, in reality, did not require to be.<sup>12</sup> As in Haddington and Edinburgh, day-to-day judicial authority rested with the deposes. The office of sheriff principal was considered meaningful only where it gave the holder latitude to interfere legally in proceedings to protect his own rights or those of his followers. Within the area of the east march such devolving of responsibility was not peculiar to the office of sheriff and official deposes did most of the work of the warden (Alexander, sixth lord Home) as well.<sup>13</sup>

James VI, like his forebears, was interested in restricting a variety of local jurisdictions. In 1587, an act was passed requiring sheriffs to list the names of their deposes annually.<sup>14</sup> Within Berwickshire, the office of sheriff depute was almost as hereditary as that of sheriff principal. The family of Cockburn of Langton dominated the position throughout the latter half of the sixteenth century.<sup>15</sup> As in other cases, there was some cross-over jurisdiction and, in 1589, Patrick Cockburn, sheriff depute (and tutor of Cockburn of Langtoun), fenced a court in Langtoun not for Berwickshire but for the regality of Kelso.<sup>16</sup> In other instances, sheriffs

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<sup>11</sup> I am grateful for discussion with Mr Mark Godfrey on these matters.

<sup>12</sup> *APS*, ii, 43; Rae, *Administration of the Scottish Frontier*, 12.

<sup>13</sup> *ibid.*, 231.

<sup>14</sup> *APS*, iii, 457; Malcolm, 'The office of sheriff', 302.

<sup>15</sup> They continued to do so even after the disgrace of the earls Bothwell, Rae, *Administration of the Scottish Frontier*, 20.

<sup>16</sup> SRO, RH6/3046; RH6/3373. An earlier sheriff depute was also bailie for the earls Bothwell within Berwickshire, SRO, GD157/265.



depute were specifically appointed in Edinburgh for particular cases or retours. This was not a new situation and had been customary since, at least, the time of the second earl. The loss of Berwick in 1482, as the administrative and judicial centre of the sheriffdom, had meant that authority had to be demonstrated around the sheriffdom. When, in January 1568, Alexander, lord Home was granted the sheriffship of Berwick (and the bailiary of Lauderdale), the ceremonial acceptance of office took place at Edinburgh tolbooth, Lauder courthouse, Langton church and Duns cross 'as the usual places for holding the sheriff and bailie courts'.<sup>17</sup>

Under the regency of Morton, the earl of Angus, had purchased the sheriffship of Berwick.<sup>18</sup> As with Bothwell several years later, the assumption of the office gave Angus the authority to legally intervene in the region and gave him the opportunity to re-enforce his holdings on the east march. There can be little surprise therefore, that Angus's interventions within Berwickshire were one of the principal causes of a dispute between Angus and Home in the 1580s.<sup>19</sup> Home considered himself as the chief man of the east march and, through his position as warden and his family connections, he did possess almost unrivalled authority. Home recognised, however, that this authority was not immune to threat. The successive assumption of the sheriffship by two of his traditional rivals in the area (and rivals whose influence had perceptibly waned in the mid-sixteenth century) must have caused considerable apprehension.

A supplementary office to the sheriffship of Berwickshire was that of bailie of Lauderdale. In the early 1580s, the bailie depute of Lauderdale had been Home of Coldenknowis but, with the re-assumption of the office of sheriff of Berwick and bailie of Lauderdale by lord Home under

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<sup>17</sup> HMC, *Twelfth Report*, app. viii, 111. On that occasion, Home received he received a staff of authority and a book. James Hepburn, fourth earl Bothwell, had held a justice ayre for Berwickshire in Lauder, *TA*, xi, 79.

<sup>18</sup> HMC, *Twelfth Report*, app. viii, 111; *RMS*, iv, no 2152; Rae, *Administration of the Scottish Frontier*, 234.

<sup>19</sup> HMC, *Twelfth Report*, app. viii, 102; *Laing Charters*, no 179. For a greater examination of the Homes and Berwickshire, see Meikle, *Lairds and Gentlemen*, *passim*..

Esmé, duke of Lennox, Coldenknowis was dismissed (which caused an internal Home family feud).<sup>20</sup> When Bothwell took over the office of sheriff of Berwickshire and bailie of Lauderdale in 1582, he installed his own deutes (who were summoned to deliver accounts for the area in 1586).<sup>21</sup> David Collace of Auchinfarslie was the earl's principal depute (as in other areas), however, following the marriage of Coldenknowis to Bothwell's sister in the mid-1580s it would be interesting to discover if there was any change in responsibility. Unfortunately, insufficient records survive to engage in even the sketchiest of speculation and this proves to be less than satisfactory in another respect: Lauder, in the later 1580s, was the central locality of John Maitland of Thirlestane and it would be interesting to discover if any aspect of antipathy between Bothwell and Maitland spilled over into justice and administration in Lauderdale.

With such a complete lack of shrieval records for the region prior to the mid-seventeenth century, it would be dangerous to speculate concerning how well or badly earl Bothwell fulfilled his duties within Berwickshire.<sup>22</sup> He certainly was willing to pursue legal action to recover his dues from the office when they were not paid<sup>23</sup> and, in addition, bearing in mind the tension between Bothwell and Home over Coldingham Priory and James's changing favour at court, any failure by Bothwell or deutes to fulfil their rôles within the east march must also have led to increased strife. The fact that, following the earl's disgrace, a member of the family of Cockburn of Langton continued in the office of depute (and continued to serve throughout the 1590s) might indicate a widespread acceptance of the quality of border justice in that area.

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<sup>20</sup> *CBP*, i, no 111.

<sup>21</sup> *ER*, xxi, 616; Meikle, *Lairds and Gentlemen*, 470. See also *ER*, xxi, 7, 173, 219, 238, 249.

<sup>22</sup> There are isolated documents relative to the sheriffship of Berwick, for example, a commission, in December 1588, to pursue a border thief (who was already dead), SRO, GD16/41/71.

<sup>23</sup> SRO, PS1/58, f. 109v.



Bothwell certainly did not see the situation of Berwick as permanent and still may have considered himself the legitimate Scottish custodian of the town.<sup>24</sup> Bothwell's interest caused him to make inflammatory speeches which upset the English government,<sup>25</sup> and, in the autumn of 1587, collaborate with the earl of Huntly in a plan to attack the town by sea and land.<sup>26</sup> Although the political situation was tense following Mary's execution and the Berwick garrison suffered from low morale with the town in a poor state of repair,<sup>27</sup> the viability of the plan was never tested and the English correspondents soon realised that Bothwell had merely been engaging in his usual 'bragges'.<sup>28</sup>

#### **commendator of Coldingham (1565-7; 1585-9)**

Francis Stewart held the commendatorship of Coldingham on two occasions. Less lucrative than the abbey of Kelso, it nevertheless complemented the earl's other interests on the border, particularly his sheriffship of Berwick. Like Kelso, Francis Stewart's possession of Coldingham included regality jurisdiction. As well as patronage rights to a number of churches, the priory of Coldingham possessed considerable lands within the east march. These lands, unlike the holdings of Kelso, were largely consolidated (and existed around the towns of Coldingham and Eyemouth) although a significant proportion of them were in the possession of various branches of the Home family (either as tenants or hereditary feu-farmers).<sup>29</sup> [See Map 1]

<sup>24</sup> Robert Logan of Restalrig had been Scottish 'keeper of Berwick' under the Morton regency and, following Bothwell's disgrace, the position was granted to the Homes, *ER*, xxi, 76; SRO, GD267/31/2/10.

<sup>25</sup> HMC, *Marquis of Salisbury*, iii, 188.

<sup>26</sup> *CBP*, i, nos 540 enc., 541, 566.

<sup>27</sup> *ibid.*, nos 543, 544, 545, 556, 648.

<sup>28</sup> *ibid.*, no 556.

<sup>29</sup> For example, SRO, RH6/2292; RH6/3054; RH6/3227; RH6/3252; Meikle, *Lairds and Gentlemen*, 497-512.



Coldingham was the one piece of patrimony which linked Francis Stewart to his father. John Stewart (in office 1541-63),<sup>30</sup> had been an extremely active commendator, granting innumerable feu charters to tenants and frequently residing in Coldingham itself. The feu charters were, predominantly, of small pieces of land to sitting tenants and occupiers, although some grants were to prominent local landowners who could, in turn, subinfeudate the land.<sup>31</sup>

Following the death of John Stewart in October 1563, Mr John Spens, the queen's advocate, was created *æconomus*, factor and pensioner of Coldingham.<sup>32</sup> The Home family, however, as hereditary bailies of the priory, refused to recognise the appointment and violently withheld the teindsheaves of the 1564 crop from Spens.<sup>33</sup> Early in 1565, Mary confirmed the position of Spens and formally leased the priory to him for a five year period. A strong royal interest was confirmed in the area, in March 1565, when James Stewart, earl of Moray, received a charter of the lands of Fishwick in return for a composition of £200.<sup>34</sup> Provision was made, however, that an annuity of £666 13s 4d was to be paid to Francis Stewart, as the queen's nephew.<sup>35</sup> The position of Francis Stewart was formalised in July 1565 when he was appointed as commendator of Coldingham with full powers and patronage (aged two).<sup>36</sup> Even James V,

<sup>30</sup> Although officially nominated as commendator in July 1541, John Stewart was named as such four months earlier, *ADCP*, 502; Hay (ed.), *Letters of James V*, 426-7.

<sup>31</sup> Sanderson, *Scottish Rural Society*, 72, 97. Coldingham, in the past, had also had substantive links with the earls Bothwell. The priory had held lands in Haddington since the twelfth century; had had Hepburns as tenants and patrons since, at least, the thirteenth century; and had seen them as witnesses to patronage by the major land holders in the area - the earls of March and Angus - since the fourteenth, Raine (ed.), *North Durham*, app. nos ccxcvi, cccxxix; *RMS*, i, no 265; Scoular (ed.), *Handlist of Alexander II*, 387; Robertson (ed.), *Index*, 82.169; Gray & Jamieson, *Haddington*, 3; Kelley, *The Douglas earls of Angus*, 158. In the 1450s, lord Hailes had been involved in arbitration concerning the rights to the office of bailie of Coldingham and Robert Blackadder, prior of Coldingham (1518-19) had been the illegitimate son of the archbishop of Glasgow and the sister of Patrick, first earl Bothwell. In the 1520s, the curators of Patrick, third earl Bothwell, again accepted the opportunity to interfere in the affairs of Coldingham, partly as a result of the murder of prior Blackadder by members of the Home family Dilworth, 'Coldingham', 121.

<sup>32</sup> *RSS*, v, nos 1524, 1770.

<sup>33</sup> *HMC, Twelfth Report*, app. viii, 93, 116.

<sup>34</sup> *TA*, xi, 305; *RSS*, v, no 2000. During James Stewart's regency, he used the lands of Fishwick as security for borrowings, SRO, GD86/223, GD86/224, GD86/231, GD86/244, GD86/249, GD86/266. The reversionary for the grant was Francis Stewart, his nephew, GD30/941.

<sup>35</sup> *RSS*, v, no 1932. The priory had been noted as vacant in the queen's hands three months earlier, *ibid.*, no 1784.

<sup>36</sup> *RSS*, v, no 2182. The remaining rights of John Spens's lease were to be upheld.

who had placed his illegitimate sons in positions of authority within religious houses at an early age, had never preferred someone quite so blatantly.

Francis Stewart was commendator of Coldingham for only a brief period and, on 7 February 1567, the commend was granted to John Maitland, brother of secretary Lethington.<sup>37</sup> Francis Stewart retained his annuity and was granted the right to the thirds of Coldingham but it is doubtful if either were ever paid.<sup>38</sup> John Maitland was an active commendator in terms of charter grants and residence,<sup>39</sup> but, in April 1570, lost possession of the priory following English incursions over the border.<sup>40</sup> The Home family recovered possession of the lands and, following the forfeiture of John Maitland, in 1571, received title to the commendatorship for Alexander Home, son and heir of Home of Manderston.<sup>41</sup> During the period of the civil war, title to any landholding or office was dubious and, in June 1571, John Maitland attended the queen's parliament in Edinburgh where he sat as commendator of Coldingham.<sup>42</sup> Despite this, it was the Homes who had possession of the lands (and the profits) of the priory and, following the end of the civil war, it was Alexander Home who was confirmed as commendator with Home of Manderston, his father, as administrator and tacksman and Alexander, lord Home, as hereditary bailie.<sup>43</sup>

Although Home acted as commendator, unchallenged, until the early 1580s, Francis Stewart had maintained a significant interest in the lands and possessions of the priory during the period. In September 1578, the newly designated earl Bothwell signalled his interest by instructing procurators to intimate to Alexander Home in Denes his intention to redeem

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<sup>37</sup> *RMS*, iv, no 1765.

<sup>38</sup> *RSS*, v, no 3424; *HMC, Fourteenth Report*, iii, 94.

<sup>39</sup> *SRO*, RD1/9/294.

<sup>40</sup> *CSP Scot*, iii, 220; Cameron, A I (ed.), *Warrender Papers*, 2 vols (SHS, 1931-2), i, 121-2.

<sup>41</sup> *SRO*, PS1/39, f. 81v.

<sup>42</sup> *CSP Scot*, iii, nos 604, 608; Dilworth, 'Coldingham', 128-9.

<sup>43</sup> *SRO*, PS1/42, f. 13r; *RSS*, vii, no 2557; *CSP Scot*, iv, no 550. The Homes had received the bailiary in 1465, *HMC, Twelfth Report*, app. viii, 176, 179. On the horning of lord Home in 1572, his rights to Coldingham were escheated to Alexander Home, the commendator, *RSS*, vi, nos 1625, 2318.



ancestral Hepburn lands, held of Coldingham, which had been mortgaged by the fourth earl.<sup>44</sup> The earl's tutor, regent Morton, also permitted Archibald, eighth earl of Angus (Bothwell's brother-in-law) to purchase the bailiary of Coldingham from the lords Home, strengthening the Douglas/Stewart influence in the area.<sup>45</sup> In December 1582, shortly after returning from the continent, Francis Stewart initiated an action before the lords of session requesting that the rights to Coldingham be settled by due process of law.<sup>46</sup>

By 1584, the situation had become more acute. Bothwell and Maitland, although relatively hostile to each other, were both high in favour at court. Both men actively sought to use the king's favour to secure what each believed was their personal heritage. Of the two, Bothwell appears to have been more pro-active in attempting to secure possession by means of a feud (which perhaps betrayed the relative strengths of Bothwell and Maitland on the border). On 9 September, Bothwell, with forty-five men, rode down David Home (the brother of Alexander Home, commendator of Coldingham) and his two accomplices and 'hewed [them]...all to pieces'.<sup>47</sup> While the Homes vowed revenge, Bothwell mustered more men and sought to maintain the initiative. In November, Bothwell set upon the commendator of Coldingham and another brother in Edinburgh (lord Home was also in their company) and, although no blow was struck, the Homes were warded to Leith and Bothwell to his house in Edinburgh. Bothwell blamed Arran for the circumstances as he believed that the latter saw it as an opportunity to 'hold in his [Bothwell's] horns'.<sup>48</sup> Huntly also took the side of the Homes and, like Arran, saw the Coldingham dispute as an opportunity to restrict the influence of one of his

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<sup>44</sup> SRO, RH6/2488; RH6/2506; RH6/2510; RH6/2516. Alexander Home in Denes was to receive a continued lease of the land for a further nine years, See *Appendix 4*.

<sup>45</sup> HMC, *Twelfth Report*, app. viii, 102. John Maitland, too, had continued his interest in Coldingham, although on his rehabilitation and restoration in February 1581, the rights to Coldingham were specifically excluded, SRO, RD1/19/184; *CSP Scot*, vii, no 113; *APS*, iii, 313.

<sup>46</sup> EUL, Laing Manuscripts, III, 388a, unpaginated. (December 1582). I am grateful to Mr John Finlay, University of Edinburgh, for this reference.

<sup>47</sup> *CSP Scot*, vii, nos 304, 308.

<sup>48</sup> *CSP Scot*, vi, no 703.



rivals for the ear of the king.<sup>49</sup> Bothwell and Alexander Home were forced to enter bonds of caution of £10,000 before the privy council not to attack each other again, but such restraint was considered unlikely to occur.<sup>50</sup>

In February 1585, the situation changed again as Alexander Home conspired against his monarch and was forced to flee to England. Instead of granting the priory to one of the other contenders, however, James simply gifted the priory to Home of Manderston (the commendator's father).<sup>51</sup> While this reflected the normal practice of granting temporary custody of the estates of an outlaw to a near relative, it did little to assuage Bothwell who retired from court as a malcontent.<sup>52</sup> In May 1585, it was reported that Maitland, for his good service on Elizabeth's behalf, was to be restored by parliament to the priory of Coldingham 'which Bothwell pretends to, and Home of Manderston's son enjoys'.<sup>53</sup> The disagreement with James over Coldingham was, probably, one of the principal reasons which caused Francis Stewart to join with the previously exiled lords (Angus, Mar and the master of Glamis) as they attempted to seize political control in November 1585.

Following the successful outcome of the enterprise, Bothwell again staked his claim to Coldingham. James decided to settle the matter permanently. By November 1585, Alexander Home again held the lands of the priory but, this time, illegally and James commanded John Carmichael to gain vacant possession. Alexander Home demitted the priory and Carmichael placed it in the custody of Bothwell until the matter was decided.<sup>54</sup> While such action appears strange, it could be that the possession Bothwell initially enjoyed was merely as sheriff of Berwick until rightful ownership was determined by process of law. The process of law took place before full parliament in December 1585 (at which Alexander Home attended as

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<sup>49</sup> *CSP Scot*, vi, no 708.

<sup>50</sup> *ibid.*, nos 708, 712; *RPC*, iii, 616, 634.

<sup>51</sup> *CBP*, i, nos 286, 292.

<sup>52</sup> *ibid.*, no 292.

<sup>53</sup> *CSP Scot*, vii, no 113.

<sup>54</sup> *CBP*, i, nos 393, 297.

commendator). Bothwell, Maitland and Home all put forward their claims to the benefice and the king, after discussion, arbitrated in favour of Francis Stewart.<sup>55</sup> James, himself, had not been uninterested in the whole process and had used the confusion to grant pensions out of one of the portions previously held by monks.<sup>56</sup>

Judicial process may well have settled the legal rights of the issue but, as in the early 1570s, the value of the priory rested on possession of the lands and the profits. In September 1586, Bothwell and Alexander Home mustered forces to dispute the rights to the teinds of the priory.<sup>57</sup> Although Archibald Douglas felt it was a relatively minor matter, Henry Woddrington (who was more aware of the intricacies of the situation) considered that the dispute could result in full scale confrontation with several thousand troops prepared to assemble to defend the rights of the various parties.<sup>58</sup> At the turn of the year, Alexander Home was again in physical possession of the lands.<sup>59</sup>

It took until the spring of 1587 to finally resolve the Coldingham situation. In February, John Maitland abandoned his rights to Coldingham and received, in exchange, a charter of excambion from Bothwell for Kelso.<sup>60</sup> Bothwell now had greater legitimacy for his claim to Coldingham but had lost the rights to Kelso, which he had held throughout his youth. On 12 March, Bothwell, Maitland and Alexander Home signed a decree acknowledging the settlement and James's part in the process and, on 25 May, James went to the tolbooth in Edinburgh, accompanied by the earl Bothwell, and instructed a decree that the priory of Coldingham be put in Bothwell's possession. Four days later, Home was evicted from

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<sup>55</sup> *APS*, iii, 374, 387; *CBP*, i, no 393.

<sup>56</sup> *SRO*, PS1/53 ff. 96r, 146r; PS1/56, f. 32r; PS1/57, f. 2r.

<sup>57</sup> *RPC*, iv, 99-101; *CBP*, i, 448; *CSP Scot*, ix, no 12.

<sup>58</sup> *CSP Scot*, ix, no 12; *CBP*, i, no 448. Notably, the earl of Angus, lieutenant of the marches, was reported to be supporting Home.

<sup>59</sup> *CBP*, i, no 516.

<sup>60</sup> *SRO*, PS1/55 f. 199v; *HMC, Marquis of Salisbury*, iii, 228. Maitland also received a pension from Bothwell's Haddington lands of Traprain and Markle, *SRO*, PS1/57, f. 95r.



Coldingham for a second time.<sup>61</sup> Throughout the dispute, Bothwell had continued to act and issue documents as commendator of Coldingham.<sup>62</sup> On 29 July 1587, he was rewarded for his perseverance when Coldingham was one of the benefices exempted for the king's revocation.<sup>63</sup>

Bothwell's second possession of Coldingham was only slightly longer than his first. In June 1589, following the earl's involvement in the Brig o' Dee affair, the former commendator of Coldingham (probably Home) intimated that he wished to recover the priory and, should he receive English assistance, he would be willing to kill Francis Stewart to achieve that end.<sup>64</sup> Bothwell played an active rôle as commendator during his second spell of possession. He legally ejected landholders who failed to pay him his dues and also reverted to using families patronised by his father as his deputies.<sup>65</sup> He disregarded the Homes as bailies of the priory and delegated responsibilities to Laurence Gray (the official bailie depute), Gilbert Ellem of Renton and William (Auchin)Craw of Swinewood.<sup>66</sup> These men, although still tenants of the priory under Maitland and Home, had had stronger links with the earl's father.<sup>67</sup> Bothwell saw Coldingham as part of his rightful inheritance and, as such, he considered it legitimate to attempt to secure possession for his children as well. In the autumn of 1589, Francis Stewart resigned all except his liferent of Coldingham and granted the commendatorship to his second son, John (aged two).<sup>68</sup> Although not erected into a temporal lordship until 1606, under

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<sup>61</sup> SRO, RD1/26/306; *CBP*, i, no 516.

<sup>62</sup> HMC, *Milne Home*, nos 503, 536; Dilworth, 'Coldingham', 130.

<sup>63</sup> *APS*, iii, 429. At least once, James disregarded the exemption and personally granted a husbandland near Eyemouth to Robert Lumsden, third son of John Lumsden of Blanerne, which had previously belonged to Cuthbert Ramsay (the deceased third husband of Agnes Sinclair, countess of Bothwell). Considering the parties involved, it would seem unlikely that Bothwell objected, *RMS*, v, no 1373. The church lands of Kelso and Lesmahagow were likewise exempted from the revocation.

<sup>64</sup> *CSP Scot*, x, no 307. The dispute was settled between the two parties in May 1590, Dilworth, 'Coldingham', 130-1.

<sup>65</sup> *NRA(S)*, 217/3/211; SRO, RH6/3060; GD267/27/156/1967; *APS*, iii, 429, 436 *CSP Scot*, ix, nos 576, 668; x, no 29; HMC, *Milne Home*, nos 461, 462; Thomson, A, *Coldingham: Parish and Priory* (Galashiels, 1908), 266; Dilworth, 'Coldingham', 130-1; Meikle, *Laird and Gentlemen*, 478, 487.

<sup>66</sup> SRO, RH6/3014; Meikle, *Lairds and Gentlemen*, 478, 487.

<sup>67</sup> SRO, RH6/3014. Laurence Gray had fulfilled a similar rôle for John Stewart in the 1550s and 1560s.

<sup>68</sup> SRO, PS1/60, f. 75v; HMC, *Fifth Report*, 648.



Francis Stewart, Coldingham had effectively become a transferable temporality - it had ultimately passed from grandfather to father to son. Although Francis Stewart retained some say in the administration of Coldingham by virtue of being John Stewart's guardian and tutor (James VI was his patron), the daily administration of the priory was granted to Mr James Durham of Duntarvy, Bothwell's uncle.<sup>69</sup> This action made perfect sense - Bothwell, effectively, could retain all the rights and profits of the priory while guaranteeing a future rôle and living for his second son and leaving the administration to a reliable associate who would act in his (and his son's) interests. Francis Stewart retained a solid interest in affairs and, in August 1590, the earl (as reversionary of regent Moray) entered a contract with John Home of Blackadder to redeem the lands of Fishwick.<sup>70</sup>

On recovering the priory of Coldingham in the mid 1580's, Francis Stewart had to adapt to two decades of policies of men who were not his political allies - John Maitland and Alexander Home. He also had to be aware of the interests of other local landowners and patrons, for example, Alexander, lord Home, as hereditary bailie of the priory; Home of Wedderburn, Home of Ayton, Logan of Restalrig and Auchincraw of Netherbyre, who all possessed patronage of an altar within the priory;<sup>71</sup> and the Logans of Restalrig who feued Fast Castle Mains (West Lumsden) and Flemington from the priory,<sup>72</sup> and held Auldcambus, Piperdean, Redcleughs and Windilaws in liferent (from Alexander, sixth lord Home).<sup>73</sup> Other of Coldingham's lands had been feued to local craftsmen and traders who, in turn, sub-feued the land to people willing to undertake the burden of cultivation; this allowed the craftsmen and

<sup>69</sup> *CSP Scot*, ii, no 161; *RMS*, v, no 1880; *HMC, Fifth Report*, 22.

<sup>70</sup> *SRO*, GD30/941. See above, page 226.

<sup>71</sup> *RMS*, v, no 1317.

<sup>72</sup> *HMC, Twelfth Report*, app. viii, 116. See also *SRO*, RH6/2497.

<sup>73</sup> *HMC, Twelfth Report*, app. viii, 108. Home was the second husband of Agnes Gray, the mother of Robert Logan of Restalrig.

traders to continue their business concerns and also provided limited supplemental income for them from rents; the majority of such people were sitting tenants.<sup>74</sup>

The value of Coldingham Priory is difficult to assess with any great accuracy. Although the valuation of Bagimond had previously agreed £2,600 as rental, in the later sixteenth century both Francis Stewart and Alexander Home of Manderston were content to assign a value of £666 13s 4d as a 'fair rental'.<sup>75</sup> In February 1577, Home of Manderston was required to draw up a true rental of the priory as, previously, one had never been directed to the central administration for apportionment of thirds. Manderston maintained £666 13s 4d (on which the thirds had been based between 1568 and 1572)<sup>76</sup> was a fair rental and the dispute between him and the central administration of Morton continued until, at least, September 1580 (and was probably unsettled at the earl's arrest).<sup>77</sup> When Francis Stewart was granted mails, fairs and duties of Dalkeith and Aberdour to compensate him for his loss of Coldingham, the amount he received was also £666 13s 4d - the same amount as the annuity he had been assigned from the priory in 1565.<sup>78</sup> The discrepancy is less stark than it would initially appear as a result of a sizeable number of pensions which had been granted in the interim.<sup>79</sup> In 1603 the total income from Coldingham was stated to have been £2,500 a year (however, this was still open to dispute as late as 1634).<sup>80</sup>

<sup>74</sup> Sanderson, 'Feuars of kirklands', 120-1. Sanderson calculates seventy-two per cent of known grants were to occupants. This compares to twenty-three per cent for Kelso and forty-six per cent for Lesmahagow.

<sup>75</sup> RPC, ii, 586-7; Hewitt, *Scotland under Morton*, 121.

<sup>76</sup> CSP Scot, v, no 503; Donaldson (ed.), *Thirds of Benefices* (SHS, 1949), 68-72.

<sup>77</sup> Hewitt, *Scotland under Morton*, 121.

<sup>78</sup> TA, xi, 305; RSS, v, no 1932.

<sup>79</sup> SRO, PS1/39, f. 81v; RSS, v no 1770; vi, no 1163; RMS, iv, no 1765.

<sup>80</sup> Hume, M A S (ed.), *Calendar of Letters and State Papers relating to English Affairs, preserved principally in the Archives at Simancas*, 4 vols (London, 1892-9), iv, no 746; Connell, J, *Treatise on the Law of Scotland and the Stipends of the Parochial Clergy*, 3 vols (Edinburgh, 1815), i, 442. I am grateful to professor Alan Macinnes for this reference. For a rental of the period, see NLS, MS 2949. In 1620, John Stewart (the earl's second son) recovered the priory in return for a security payment of £48,000 and an annual payment to the earl of Home of £3,600, Maidment, J (ed.), *Letters and State Papers during the Reign of King James VI. Chiefly from the Manuscript Collections of Sir James Balfour of Denmyln* (Abbotsford Club, 1838), 324-8.



### commendator of Kelso (1566-87; 1588-91)

In 1535 James V had granted the commendatorship of Kelso to James *senior*, his eldest illegitimate son. The king saw the grant (like that of Coldingham to John Stewart) as an opportunity to acquire the revenues for the crown and distribute the patrimony of the charge to loyal servants.<sup>81</sup> Under James *senior*, Kelso was linked with Melrose Abbey, technically because Kelso had suffered destruction by the English, but more probably because James V was keen to secure its revenue as well.<sup>82</sup>

In 1566, Francis Stewart was appointed commendator. Like her father, Mary, queen of Scots, saw the grant as an opportunity to utilise the revenues from the abbey for other causes. Two Edinburgh lawyers, John Bellenden of Auchnoull and Alexander Hay of Easter Kennet acted successively as co-adjutors and administrators of the abbey (reflecting the influence of central government on the position).<sup>83</sup> During the initial period of administration, pensions worth £3, 633 6s 8d were granted from the abbey patrimony without the consent of the commendator or any of the remaining monks.<sup>84</sup>

As in Coldingham, later governmental authority saw Kelso as an opportunity not only to reward loyal servants but also to provide for themselves as well. On 20 November 1569, regent Moray, having received the feu of Kelso, obliged himself to Francis Stewart, not to grant away the town and lands of Kelso,<sup>85</sup> and granted Francis a tack of the teinds of Kelso for

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<sup>81</sup> *Laing Charters*, nos 441, 540.

<sup>82</sup> *ibid.*, no 642. Following the death of James *senior*, the abbey was granted to Louis, cardinal of Guise, Mary's uncle, SRO, RD1/4, 93.

<sup>83</sup> *ibid.*, no 883; *RSS*, v, no 1066. Auchnoull was to act until Francis Stewart was fourteen. He similarly acted as administrator for Robert Stewart at Holyrood Abbey, *Laing Charters*, no 681.

<sup>84</sup> HMC, *Fourteenth Report*, app. iii, no 94. This compared to grants worth £588 made with the consent of the convent.

<sup>85</sup> *RMS*, iv, no 1905; *NRA(S)* 217/1/119. Regent Moray granted an escheat from the abbey of Melrose, held by the fourth earl Bothwell, to Alexander Balfour of Denmilne, a relative of the previous commendator of Melrose, SRO, GD224/997/1/4.



nineteen years.<sup>86</sup> How the situation would have resolved itself is unclear - Moray's death eight weeks later effectively nullified the grants as, by the terms of the reversion, all lands and tacks reverted to Francis Stewart. The grant of Kelso to Moray had not been a worthless exercise, however. On 25 April 1569, the regent instructed a rental audit of the abbey. It was partly to allow for an accurate assessment of the thirds of the benefice but, in all probability, mainly to allow the regent to assess what he had just acquired.<sup>87</sup> Moray utilised his accession well and, in 1596, the legal representative of Peter Dishington, previously the chamberlain of Kelso, was still pursuing the earl's heirs for debts *incurred* during his short tenure.<sup>88</sup>

The pensions of the abbey granted under Mary were all for substantial sums and all to people of influence in the borders and around court: James Cunningham (son of the earl of Glencairn), received the largest pension of £1,600;<sup>89</sup> Thomas Ker (son of the laird of Cesford) received £433 6s 8d; William Ker (brother of the laird of Ferniehurst), Mungo Graham and John Sempill all benefited from grants worth £333 6s 8d; and William Home (son of the laird of Coldenknowis), Alexander Home (brother of the laird of Ayton) and the laird of Bargany each received £200. The grants were so substantial that the queen had to consider further preferment for Francis Stewart as his living from Kelso was so depleted.

Under the regency of Morton, central government interference again severely restricted the potential for Francis Stewart to acquire wealth. Kelso was seen as a money chest from which to finance a host of border posts and household servants - in 1575, William Ker, the son of Ker of Cesford, was confirmed in his pension as payment for his duties as warden of the

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<sup>86</sup> NRA(S) 217/1/119b.

<sup>87</sup> HMC, *Fourteenth Report*, app. iii, no 92. The rental of abbey in *Kelso Liber* (also HMC, *Fourteenth Report*, app. iii, no 93) should probably be seen as the result of this audit and thus dates to c1569 instead of c1567, Innes, C (ed.), *Liber Sancte Marie de Calchou. Registrum Cartarum Abbacie Tironensis de Kelso, 1113-1567*, 2 vols (Bannatyne Club, 1846), ii, 489-532.

<sup>88</sup> NRA(S) 217/4/151.

<sup>89</sup> This came mainly from the abbey lands pertaining to Lesmahagow in Lanarkshire and were still being paid thirty years later, see chapter 7.

middle march,<sup>90</sup> and other grants were made to people closely associated with the court and government: in 1578, John Stewart, varlet of the king's chamber, received a pension out of Kelso lands;<sup>91</sup> in 1579, David Collace, the earl's curator, likewise received funds;<sup>92</sup> and, in 1580, John Kene, an Edinburgh writer (who would later receive further patronage from Bothwell), was granted the three abbey yards which had belonged to the sub-prior of the abbey, Adam Chatto.<sup>93</sup> Lands were also being feued to traditional influences in the area, for example, Cesford gained the feu of Haliden and Huntlywood;<sup>94</sup> some Kers acquired substantial feus from the abbey;<sup>95</sup> Alexander Cockburn received the lands of Cauldraw;<sup>96</sup> and George Douglas received lands in Middlem (reflecting not only his traditional links to the area but also the power of the Douglas family in government).<sup>97</sup>

Under the administration of Francis Stewart the holdings of Kelso were also granted out (after 1585, and the death of the last monk, he no longer required any consent from the convent).<sup>98</sup> The grants not only encompassed outlying possessions such as Duddingston in Edinburghshire but also a considerable proportion of the baronies of Bolden and Middlem held of the abbey and a proportion of the adjacent church lands. Bothwell saw Kelso as a significant war chest with which to finance his comital aspirations. Besides David Collace and John Kene, the earl as commendator granted patronage to other members of his close affinity such as Thomas MacDowell and Alexander Jardine, Alexander Cook, Peter Collace, and

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<sup>90</sup> SRO, RD1/14, 11; RSS, vii, no 56.

<sup>91</sup> RSS, v, no 1874.

<sup>92</sup> *ibid.*, vii, no 1987.

<sup>93</sup> RSS, viii, no 1374. For another, similar, pension, see RSS, viii, no 2495.

<sup>94</sup> RMS, iv, no 1966; *Laing Charters*, no 857. The grant was probably in lieu of his bailies fee.

<sup>95</sup> RMS, iv, no 2440.

<sup>96</sup> *ibid.*, v, no 1129.

<sup>97</sup> SRO, E14/2/143; RMS, v, no 229. As Francis Stewart held the baronies of Bolden and Middlem in feu from the abbey (not as commendator but as a result of the reversion of Moray's earlier grant), the implication must be that Morton (as tutor) held authority to dispense patronage rather than the abbey's administrator.

<sup>98</sup> SRO, PS1/53, f. 70v.



James Hepburn, his household servants.<sup>99</sup> It is also instructive that Margaret Douglas, countess of Bothwell, received her terce lands from the possessions of Kelso. Not only does this again suggest a marriage date prior to May 1578 but it also stresses the importance of the border connections of Bothwell - the lands of Kelso held by Margaret Douglas were contiguous with the terce lands Margaret Douglas held from her first husband, Walter Scott of Branxholm. Like Margaret Douglas's other lands, Kelso was a wealthy possession and, in the 1630s, the earl of Buccleuch stated that its 1590s value (lacking the kirk patronages possessed by Bothwell) was nearly £23,000 *per annum*.<sup>100</sup> The money received from the lands was not always legitimate though. In 1592, David Moysie complained to central government that, having purchased lands from James Chatto in Kelso and paid 'grite chargeis' to the earl and his wife as superiors, he found he could not secure possession because James Ker, brother of the laird of Greenhead (one of Bothwell's staunchest supporters) had obtained an illegal grant of the same land.<sup>101</sup> The connections between the area of Roxburghshire around Kelso and the earl and his countess ensured that during the earl's disgrace, there was considerable loyalty displayed by the locality. Indeed, as later as December 1592, Thomas Ker (brother of the laird of Ferniehurst) complained that the chamberlains of the countess's terce lands, James Scott and William Donaldson, continued to give their collected duties to the countess and her husband.<sup>102</sup>

Following the negotiations concerning Coldingham in 1585-7, Bothwell had exchanged Kelso and the bailiary of Lauderdale for John Maitland's rights to the Berwickshire priory. On 28 February 1587, Maitland received a charter of excambion and took up an active rôle in

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<sup>99</sup> SRO, GD1/497/2; GD224/887/19/2; PS1/52, f. 132r; PS1/53, f. 75v; PS1/53, f. 109r; PS1/54, f. 41v; RSS, vii, no 1322.

<sup>100</sup> RPC, Second series, v, 565-9.

<sup>101</sup> RPC, v, 19.

<sup>102</sup> RPC, v, 25. For other supporters of Bothwell from the Kelso area, see *Appendix 8*.



Kelso's management.<sup>103</sup> Bothwell did not consider the change in ownership as effective in challenging his authority in the area and the earl continued to use the town as a base for some of his less reputable raiding activities. Twenty-two months after Maitland received the grant of Kelso, he demitted the benefice to Francis Stewart, Bothwell's son (again, with full regality powers).<sup>104</sup> Earlier, in November 1588, Maitland had assigned all the teinds of Kelso to Mr John Kene (Bothwell does not appear to have objected as he was working in co-operation with Kene a month later).<sup>105</sup>

As Rae has pointed out, over half of the border baronies were governed by men who resided outwith the borders.<sup>106</sup> Kelso was Bothwell's favourite winter residence and, following his architectural efforts at Crichton, Bothwell began improving and fortifying his residence at Kelso as well (none of which survives).<sup>107</sup> By January 1591, these plans were underway and Bowes noted that he hoped it would make him 'a good neighbour'.<sup>108</sup> By April 1591, such sentiment was immaterial and in the succeeding four years Kelso remained ambiguous in terms of loyalty in the dispute between Bothwell and the crown.

#### lord and keeper of Liddesdale (1578-91)

Liddesdale, situated within the Scottish middle march, was one of the great territorial border lordships which had survived from the medieval period. Concomitant with the English west and middle marches, its inhabitants for generations had caused endless misfortune to their

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<sup>103</sup> SRO, GD16/41/69; RH6/2982; *CBP*, i, no 575. Maitland retained some influence and prevented Bothwell holding a regality court at Duddingston which had been duly appointed. While this could be seen as a continuation of the disputes between the two men, it really only reflected the complexities of tenorial situation of Kelso Abbey, *CSP Scot*, x, no 434.

<sup>104</sup> *RMS*, v, no 1597.

<sup>105</sup> SRO, PS1/58, f. 68v; PS1/58, f. 69r; GD105/134, GD105/135.

<sup>106</sup> Rae, *Administration of the Scottish Frontier*, 17.

<sup>107</sup> *CSP Scot*, x, no 492.

<sup>108</sup> *CSP Scot*, x, no 517.

fellow borderers without regard to the side of the border on which they lived. Most of the notorious reiving families who lived within Liddesdale, such as the Armstrongs, Elliots, Nixons and Crossers, were tenants of the lord of Liddesdale although only a few, such as Armstrong of Whithaugh, held their lands heritably.<sup>109</sup>

Francis Stewart is first recorded adopting the style 'lord of Liddesdale' in 1578 when he received full title to the earldom. He used the style until 1581 when the lands were omitted from his *de novo* grant of the earldom. Between 1581 and 1587 Francis Stewart rarely used the style but when he did do so, it was normally in documents relating to tenants of Liddesdale and his lordship over them. Following the subsequent grant of the earldom in 1587, the style of 'lord of Liddesdale' was again incorporated into his titles and he utilised it with much more regularity.<sup>110</sup>

The style 'lord of Liddesdale' was, by the later sixteenth century different from that of 'keeper of Liddesdale'. Prior to the reign of James V, the lord and keeper of Liddesdale had been the same person (the relevant lord) but because of the lack of order during the minority of Patrick, third earl Bothwell, a royal appointee was placed in control.<sup>111</sup> From the 1530s to the 1570s, the regular problems of the earls Bothwell meant that Liddesdale was controlled as much by its keepers as it was by its lords.<sup>112</sup> Francis Stewart, however, was in a radically different situation. Perhaps for the first time, the actual lord of Liddesdale (even though he lacked official title) was secure in royal favour and yet a keeper was in control of the administration of cross-border justice. At the time of Bothwell's arrival home, William Ker of Cesford was keeper of Liddesdale (with James Ker as his depute).<sup>113</sup> This appointment may lie

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<sup>109</sup> NLS, MS 6111, 163-8.

<sup>110</sup> RSS, vii, no 1383; SRO, PS1/53, f. 79r; RAMS, v, no 906; Fraser (ed.), Buccleuch, ii, 242-8; see also *Appendix 3*.

<sup>111</sup> Rae, *Administration of the Scottish Frontier*, 177; see above, page 65-7.

<sup>112</sup> Rae, *Administration of the Scottish Frontier*, 243-5; see *Appendix 7*.

<sup>113</sup> See *Appendix 7*. Cesford had been installed following Morton's fall and was a pensioner and hereditary bailie of Kelso (so was well known to Bothwell). James Ker, Cesford's depute, had the style 'keeper of Hermitage' (a post normally associated with the Elliots of Redheugh).



behind the omission of the title of 'lord of Liddesdale' in the confirmation of earldom to Francis Stewart in 1581. Ker of Cesford was a close associate of Esmé, duke of Lennox, and the difficulty in defining jurisdictions may have led the duke to avoid the problem by ignoring the style.

A considerable part of the problem regarding Liddesdale concerned its legal status - a grant of a lordship in regality gave the lord exclusive rights of justice over all the people living within the area in criminal matters (only treason was outside the authority of a regality court). A lord in regality also assumed the right of re-pledging - any person within his jurisdiction summoned before another court could be commanded to answer to the lord in regality.<sup>114</sup> As these blanket powers applied against royal officers, justiciars, sheriffs and bailies (so that they could be prevented from carrying out their normal duties within a regality) there must have been considerable dubiety concerning the authority of the keeper. At times, the Scottish government attempted to circumvent this problem by ordering justice to be administered from Edinburgh, although within a short time, such initiatives normally fizzled out and the locality reverted to tried and tested methods.<sup>115</sup> There was not only uncertainty over the authority on the Scottish side of the border. The English border wardens did not always appreciate that the keeper of Liddesdale was a distinct royal official and tried to claim he was subordinate to the warden of the middle marches.<sup>116</sup>

The lack of clarity of authority could have caused problems within an already troublesome area. The English were rarely happy concerning the administration of Liddesdale in the early 1580s but few Scottish lords were willing to accept the poisoned chalice of the keepership. Following the keepership of Cesford, there was a short period of authority by John Johnstone

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<sup>114</sup> McNeill (ed.), *Balfour's Practicks*, ii, 289. Cesford claimed that the keeper of Liddesdale could not be held answerable for murder or arson (two of the other pleas of the crown), *CBP*, i, nos 117 (3), 129 (2), 164. Elizabeth disputed such an interpretation, *ibid.*, no 130.

<sup>115</sup> *RPC*, iii, 528.

<sup>116</sup> *CSP Scot*, vi, no 603; Rae, *Administration of the Scottish Frontier*, 36.



of that ilk and, following that, the keepership reverted to the Kers, this time to the rival family of Ferniehurst.<sup>117</sup> Ferniehurst was well aware of the problems and possibilities provided by Liddesdale and, immediately prior to the Ruthven raid, he considered attempting to break the borders and had sought to procure the Liddesdale men to ride into England and caused disorder.<sup>118</sup>

One of the primary concerns of the Ruthven regime of 1582-3 was the desire for some regulation of the border (in line with Morton's previous policy).<sup>119</sup> On Francis Stewart's return from the continent, he was offered responsibility within the area and was chosen to be lieutenant of the east and middle marches. The earl was directed to administer summary justice at an assize at Jedburgh but the appointment came to nothing.<sup>120</sup> In April 1583, James (or his administration) considered Bothwell for the keepership of Liddesdale, however, the earl was unwilling to accept the charge without 'greater entertainment than the king [was] pleased to dispose'.<sup>121</sup> With considerable uncertainty on the border, it was not long before the English were again complaining that Liddesdale men had committed outrages upon Elizabeth's subjects.<sup>122</sup> The solution to the problem was not provided by the Scottish government (then under James Stewart, earl of Arran) or by Bothwell but by the English themselves. On 11 November 1583, the English march wardens invaded Liddesdale with 7,000 men, as if in time of war. They took the house of Martin Elliot of Braidlie (who had previously complained of English behaviour within Liddesdale) and captured eighteen Scots. The English blew up Elliot's house and destroyed all the goods and lands around it.<sup>123</sup> As disorder threatened to

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<sup>117</sup> See *Appendix 7*.

<sup>118</sup> *CSP Scot*, vi, no 160. The English claimed only the laird of Carmichael (a relative of Morton) had ever acted satisfactorily as keeper. Like other rumours of the time concerning the actions of Esmé, duke of Lennox, and his supporters, there must remain some doubt as to the veracity of the reports. See above, page 140-1.

<sup>119</sup> SRO, SP13/11; SP13/16a; Rae, *Administration of the Scottish Frontier*, 196, 200.

<sup>120</sup> See below, page 268.

<sup>121</sup> *CSP Scot*, vi, nos 393, 566.

<sup>122</sup> *CSP Scot*, vi, no 195.

<sup>123</sup> NLS, MS 6111, 140; *CSP Scot*, vi, no 209. The estimated damage was over £3,000.

escalate, Bothwell recognised that he had traditional rights and responsibilities within the locality to the extent that, by the end of the year, even the English border officials recognised that Francis Stewart should be recognised as the 'chief ruler' within Liddesdale.<sup>124</sup>

Relationships with England were not always as inflammatory. The Scottish and English border officials had to work closely together in order to pursue justice.<sup>125</sup> Such co-operation was not always easy at times of international tension but, like the rest of the border, successful administration in Liddesdale depended largely on the joint action of a number of lords, lairds and tenants. Inexperienced administrators (such as Bothwell) would rarely ease political tensions. Bothwell also had to work with a number of central officials, most notably the lieutenants of the border, such as Archibald Douglas, eighth earl of Angus. In 1586, Angus was granted the lieutenancy and instructed to administer justice in conjunction with lord Maxwell and earl Bothwell.<sup>126</sup> Although the relationship was initially restrained, Bothwell resented the interference in his jurisdiction and, ultimately, accused the elder man of treason. Angus, for his part, complained to the king that, because of his activities on the border, Bothwell was receiving more respect in the area than he was as lieutenant.<sup>127</sup>

The local situation in Liddesdale was similar to that of Haddington in that the 1580s were a period of continuity. The majority of lairds and major forces in Liddesdale, Lance Armstrong of Whithaugh, Simon Armstrong of Mangerton ('Sim the laird'), Thomas Elliot of Copshaw, Martin Elliot of Braidlie, Robin Elliot of Redheugh and Hector Armstrong of Harlaw had been heads of their respective followers since the late 1560s and were well established.<sup>128</sup> Bothwell recognised the realities of his lordship and appreciated that he could not disrupt that

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<sup>124</sup> *CBP*, i, no 197.

<sup>125</sup> *CSP Scot*, vi, no 382. The first official communication between the interim government and Elizabeth had been to request that the English wardens should observe a period of peace and that they should answer outstanding border charges for the better administration of justice, *CSP Scot*, x, no 271. Elizabeth was happy to agree to their requests, *ibid.*, no 279.

<sup>126</sup> Fraser (ed.), *Douglas Book*, iii, 286.

<sup>127</sup> *CBP*, i, nos 556, 574.

<sup>128</sup> NLS, MS 6113, 81-3.



land-holding pattern in Liddesdale without extreme discontent. As a result the earl confirmed his kindly tenants, such as Lance Armstrong of Whithaugh, in their lands despite the occasional lack of written evidence.<sup>129</sup>

Faced with the problems of Liddesdale, Bothwell attempted to utilise traditional methods of control by banding with his tenants. This method had been utilised throughout the previous century (with limited success) and sometimes involved the heads of household standing surety for their extended family and, at other times, instructed major noblemen in the area as guarantors for good behaviour.<sup>130</sup> Following the death of lord Russell in 1585 and the fall from favour of James Stewart, earl of Arran, Bothwell assumed greater responsibility himself. The earl was made accountable for the delivery of those involved in the murder of Russell, specifically Ker of Ferniehurst, and, although he failed in his duty, he retained the goodwill of the king and used the increased favour to push his claim for increased responsibility in Coldingham.<sup>131</sup>

In February 1588, as a result of the on-going conciliation on the border, Bothwell accepted pledges for good order from a number of bordermen.<sup>132</sup> The strength of Bothwell's position on the border was most evident when the earl undertook the responsibilities of assistant governor in 1589-90. The expediencies of court could not be divorced from the situation on the border and, although deprived of a specific border brief, Bothwell actively intervened in lordship affairs.<sup>133</sup> Francis Stewart again used tested method of control: before James's departure, Bothwell had agreed to relieve the king and his wardens of any obligations due to the English

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<sup>129</sup> NLS, MS 6111, 163-8.

<sup>130</sup> *CBP*, i, nos 278, 399; *RPC*, iv, 211, 213, 227, 240. The earl also acted as surety or cautioner for other border troublemakers, *ibid.*, 173, 258, 275, 527.

<sup>131</sup> *CSP Scot*, viii, no 675; ix, no 12.

<sup>132</sup> *CSP Scot*, ix, no 436.

<sup>133</sup> *ibid.*, ix, nos 557, 576; x, nos 294, 304, 360, 362, 382; *CSP Scot*, x, app., nos 11, 16; *CBP*, i, no 663; *HMC, Marquis of Salisbury*, iv, 26.



wardens as a result of raiding,<sup>134</sup> and, while James was abroad, he wrote to the leading families of the area and asked them to meet him in Edinburgh.<sup>135</sup> While they took longer than anticipated to 'come in' (possibly because of inclement weather),<sup>136</sup> they eventually appeared on 5 November. Bothwell bound himself to be responsible for all the surnames of Elliot, Armstrong, Nixon, Crosser, Turnbull and Rutherford within their lands of Liddesdale or West Teviotdale for the duration of the king's absence and fifteen days thereafter.<sup>137</sup> It was a bond which closely mirrored the actions of previous earls and, like them, Bothwell protested that he should not be held responsible to the same degree when the king returned as 'it was not possible for him to perform and cause the same to be performed and kept'.<sup>138</sup>

On James's return from Denmark, Bothwell had to face a change in style of the administration of justice on the border. James issued new instructions for border administration and attempted to re-impose a system of fines (first used under regent Morton) for any failure by noblemen and heads of households to secure miscreants whom they had pledged to keep in good order. Not only did the central government attempt to impose the system, they also attempted to collect the fines and this, along with matters in other areas, must have caused considerable concern for Bothwell who was already worried about central interference in the localities.<sup>139</sup> James wanted Bothwell to stand redress for crimes committed in Liddesdale under his keeping during the period of the provisional government. Bothwell initially refused and was put to the horn,<sup>140</sup> but soon after replied to a personal letter from James that he was 'agreable to the deseir thereof'.<sup>141</sup>

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<sup>134</sup> NRA(S) 217/3/269. James Stewart, earl of Moray, acted as cautioner for the earl and was guaranteed restitution should Bothwell's actions force him to lose his bond.

<sup>135</sup> *CSP Scot*, x, nos 263, 267.

<sup>136</sup> *CSP Scot*, x, no 304.

<sup>137</sup> *RPC*, iv, 432; Elliot, *Border Elliots*, 145.

<sup>138</sup> *RPC*, iv, 432.

<sup>139</sup> *APS*, iii, 463; *RPC*, iv, 790-2; Fraser (ed.), *Wemyss*, iii, 25-6, 32-3; Rae, *Administration of the Scottish Frontier*, 122, 127.

<sup>140</sup> *CSP Scot*, x, nos 440; 440 enc..

<sup>141</sup> *ibid.*, no 442.

Liddesdale nevertheless continued to cause problems for the earl. From 1589 there was greater English and Scottish governmental interest in the area and Bowes and Burghley continued to press the Scottish government for redress.<sup>142</sup> Despite his assurances, Bothwell was unwilling to give caution for his lordship and, after two further refusals and a bitter speech against the council, the earl was again warded in Edinburgh Castle. It was a temporary measure and the next day, following the chancellor's intervention, Bothwell was able to give bonds for Liddesdale with Moray acting as surety.<sup>143</sup> James was still not content and ordered Bothwell to repair Hermitage Castle and place forces there in order to keep order.<sup>144</sup> Bothwell again promised to satisfy the king but, in reality, did little - he stated he would be more willing to <sup>make</sup> redress for Liddesdale if he was made lieutenant general of the border. James initially approved the appointment but Maitland pointed out that this would cause Hamilton to be discontented and Huntly, who had held such office in the north, might also cause difficulties.<sup>145</sup> With conciliation an impossibility, Bothwell and James became more suspicious of each other to the extent that the Liddesdale problem was the most significant of the background factors in the accusations of witchcraft levelled at the earl in 1591.

As in other areas, Bothwell operated in Liddesdale through a series of deputed and officials, the most prominent of whom was Thomas Trotter. Other officials would appear to have been local men in the service of the earl.<sup>146</sup> These men not only administered justice and attempted

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<sup>142</sup> NRA(S) 336, Deed Box 2, bundle 32; *CSP Scot*, x, no 482, 485, 492, 499, 505. Bowes maintained that no justice had been done for Liddesdale since 1574.

<sup>143</sup> Calderwood, v, 111; *CSP Scot*, x, no 460. Home was asked but refused, stating he should be surety for himself. Bothwell discharged the bond of Moray, *CSP Scot*, x, no 464.

<sup>144</sup> *CSP Scot*, x, no 464.

<sup>145</sup> *CSP Scot*, x, no 472. Despite James's change of heart, Bothwell approached the clerk register to have a commission made out anyway, thinking to get it passed by the privy seal.

<sup>146</sup> *CSP Scot*, x, nos 222, 264, 372, 496; *CBP*, i, nos 668, 678; Rae, *Administration of the Scottish Frontier*, 34, 37. Trotter was a servitor of David Collace, previously one of the earl's curators, SRO, RH6/2488.



to keep order but also actively engaged in cross-border raiding and acted as the earl's eyes and ears for information.<sup>147</sup>

While the control of an area such as Liddesdale may have seemed a thankless task, it was also a profitable one. In 1584, Ker of Ferniehurst received an allowance of £1,000 in victual or money from the thirds of Kelso, Melrose, Coldingham, Newbattle, Dryburgh, Dunfermline to enable him to carry out his duties as keeper of Liddesdale.<sup>148</sup> In 1633, the rental for the lordship of Liddesdale was claimed to have represented £9,175 in silver in the 1590s. Although the evidence for Bothwell's income from his lordship is circumstantial, it is undeniable that it was a significant factor in accepting responsibility for such an unruly area.<sup>149</sup> Beside the income from fees and rents, there was also the income that could be gained by illegal raiding. There are no records concerning any 'cut' taken by the authorities within the border area but, considering how authority operated in other areas (most notably the admiralty) it is inconceivable that such profiteering did not happen. Should the lord or keeper chose to exercise justice, he again could not lose - he had the right to the escheat of goods of all convicted criminals within his office.<sup>150</sup>

#### **other border land-holdings**

Little is known of the smaller land-holdings of the earl in the border area (many of which had been feued by his predecessors). It would seem from the (slight) evidence available that Francis Stewart adopted the same policy as the previous earls - the estates were only of value

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<sup>147</sup> *CSP Scot*, vii, nos 204, 271; ix, no 321; x, nos 372, 382, 449, 496; *CBP*, i, no 560; Rae, *Administration of the Scottish Frontier*, 46.

<sup>148</sup> *RPC*, iii, 699-700; Rae, *Administration of the Scottish Frontier*, 30-1. Rae notes that, in 1586, all payments to border officials ceased. this would seem to be stretching the evidence. The most that can be said is that, in 1586, payments for border officials stopped going through the central exchequer. There were other ways for officials to recover their expenses, see chapter 6.

<sup>149</sup> *RPC*, Second series, v, 565-9.

<sup>150</sup> Rae, *Administration of the Scottish Frontier*, 37.



for the rents and duties they returned. Any visits to the areas and any charters issued from them are unrecorded and it is highly probable that Bothwell operated in the regions through a series of local bailies.<sup>151</sup>

### feuar of Lewis and Skye

James VI was not the first Scottish monarch to face the problem of control in the highlands. What made James VI unique was that, due to his desire to achieve the English throne, he had to be aware of the impact of the west highland situation on English interests in that area, specifically Ireland. In the early 1580s, several English councillors became aware of the presence of Scots in Ireland and in seeing this as a grand catholic conspiracy also involving Spain and France, felt that it was highly unlikely that James and his administration (headed by Arran) were not aware of the situation.<sup>152</sup> The government of James VI was not sorry to see the highland west engaging in civil war but the involvement of foreign mercenaries and the speed of spread of the conflict meant that it was a threat to central authority that could not be ignored.<sup>153</sup> One of the problems which James faced was that the highlanders '[did] care not much for the king...and obey him at their own pleasure'.<sup>154</sup> While James promised action, nothing was done: plague was rife in Scottish towns and this meant that it was difficult for the king to get forces and, as usual, he was also hampered by a lack of money.<sup>155</sup>

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<sup>151</sup> SRO, RH6/3117, RH6/3123. For example, Chamberlain Newton yielded £300 in the Buccleuch estimate of 1633, *RPC*, Second series, v, 565-9. Such methods of operation are in line with Kelham's observations for the operations of the duke of Albany in the fifteenth century, Kelham, *Bases of Magnatial Power*, *passim*..

<sup>152</sup> *CSP Scot*, vii, nos 256, 262, 263, 264; viii, nos 60, 61.

<sup>153</sup> Stevenson, D, *Highland Warrior: Alasdair MacColla and the Civil Wars* (Edinburgh, 1994), 23.

<sup>154</sup> *CSP Scot*, viii, no 93.

<sup>155</sup> *ibid.*, nos 148, 156.

In the mid 1580s, the highland situation again flared up with conflict between various clans and representatives of Scottish governmental authority and English authority in Ireland.<sup>156</sup> Although the signing of bands of loyalty was attempted in 1586, by 1588 the situation had become so serious that Bothwell was permitted to muster men in order to subdue the area by force.<sup>157</sup> That said, while the initial motivation for such action was to impose order, a significant secondary motivation may have been to acquire plunder from the ships of the Spanish armada that had been wrecked on the coastline in the late autumn of 1588.<sup>158</sup> Similar to James's own attempts to subdue the isles in the mid 1590s, the earl did not intend to go to the west himself but, instead, proposed to dispatch one of his principal maritime associates, captain Hackerston.<sup>159</sup> As far as recorded evidence indicates, no action was ever undertaken.

Following James's return from Denmark, the king again turned his attention to subduing the Western Isles and, with it, addressed the linked problem of Liddesdale. James saw the situation as an opportunity to 'civilise' the isles but also to increase his income by around £4,000 annually.<sup>160</sup> The king again sought to win the Isles by employing Bothwell to take them by force if necessary. In return, the crown proposed to grant an escheat of Lewis and Skye and purchase the keepership and lordship of Liddesdale from the earl.<sup>161</sup> James appointed Auchnoull, Easter Kennet and Robert Melville to discuss the matter with the earl's representatives<sup>162</sup> and, although Bothwell and James came very close to making agreement, the earl felt James was pushing too hard and agreement could not be reached.<sup>163</sup>

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<sup>156</sup> *CSP Scot*, vii, nos 79, 116; Gregory, D, *History of the Western Highlands and Isles of Scotland from AD 1493 to AD 1625* (reprint edn, Edinburgh, 1975), 230-40.

<sup>157</sup> *CSP Scot*, ix, nos 95, 467, 502, 505.

<sup>158</sup> *ibid.*, nos 525, 536, 537, 542, 708.

<sup>159</sup> *ibid.*, no 505.

<sup>160</sup> *CSP Scot*, x, no 409. This was ever more important as James was concerned that Elizabeth might stop his annuity, *ibid.*, no 410.

<sup>161</sup> *ibid.*, no 430 enc..

<sup>162</sup> *ibid.*, no 423, 426, 427. Bothwell initially chose Maitland and Spynie to represent him, but the king would not allow such and ordered him to choose again.

<sup>163</sup> *ibid.*, no 430. For details of Liddesdale agreement, see *CSP Scot*, x, no 430 enc.. During the negotiations, the islesmen, fearful of the circumstances, came to James with liberal offers of money, *ibid.*, no 460.

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When it comes to assessing the impact of lordship in peripheral areas on the career and development of Francis Stewart one of the most important points to remember is that these areas were not peripheral to the interests concerned. In the late sixteenth century, the borderlands and western highlands were pivotal theatres of operations which daily impacted on Anglo-Scottish relations. The areas were also of great importance to the earl Bothwell himself. He did not treat them with any less respect than his more central possessions. Coldingham, Kelso and Liddesdale were regularly visited and actively administered. There is no suggestion that the earl's three border regalities (along with the terce lands of Margaret Douglas) were seen merely as cash cows to finance the earl's activities at court - although such did not mean that there was no cross-patronage or application of funds to household officials from other areas. With so many border landowners regularly absent from the area, active lordship engendered respect. Although Bothwell was not permanently resident in the borders, and despite frustrating character traits, the earl was able to demonstrate virtues appreciated by his tenants and associates through participation in raiding and, occasional, obfuscation of justice.



## ***CHAPTER SIX***

### ***Offices of state and household***

As a member of the upper nobility and as the king's cousin, Francis Stewart could expect relatively free access to James VI. Throughout the early and mid 1580s, earl Bothwell was an important functionary at the Scottish court. While he did not achieve all the offices he coveted, he did have an important rôle to play as great admiral of the realm and counsellor. Governmental office offered not only the opportunity to serve the country and the king, but also the opportunity to line the officeholder's own pockets, and those of his close associates. Even governmental office, however, was of limited benefit when it came to securing practical influence. For that, a household position was more advantageous. By 1589, Bothwell was both a governmental and household officer and had a long history of good service to the crown. Had external political and religious factors not intervened, Bothwell would have been an obvious choice for responsibility when James VI left the realm to bring home his bride.

#### **great admiral of Scotland (1581-91)**

The hereditary office of admiral, which had been held by the earls Bothwell since 1488, demanded a variety of different skills. In wartime, the primary duty of the admiral was to defend the coastline and combat invaders, but, in peacetime, the admiral's office fulfilled a mainly judicial rôle, with responsibilities to arbitrate and settle disputes between mariners at sea and in port. Another major responsibility of the admiralty, regardless of whether the country was at war or peace, was the combating of piracy and restricting the sale of pirated goods.<sup>1</sup> In addition to these basic functions, the admiral's obligations also covered shipwrecks, treasure-trove, coastal defence, trade regulations, tax collection, insurance, licences, passports

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<sup>1</sup> McNeill (ed.), *Balfour's Practicks*, ii, 614-44; Riddell, J., *Inquiry into the Law and Practice in Scottish Peerages before and after the Union*, 2 vols (Edinburgh, 1842) i, 330.

and safe conducts.<sup>2</sup> Imports came under his jurisdiction, especially in times of plague,<sup>3</sup> and his office had the gift of escheat of all whales, porpoises and, possibly, sturgeon washed up on the Scottish shore.<sup>4</sup> The admiral's jurisdiction ran to the high water mark and the first bridge over the river, and so, unlike his European counterparts, he was responsible for the maintenance of harbours, piers and sea-walls.<sup>5</sup>

Francis Stewart was granted the admiralty in June 1581 when he was still on the continent.<sup>6</sup> He was officially admitted to the office, following his return, in January 1583 during the period of power of the Ruthven regime. When later admiralty claims were made by the English, however, Bothwell took responsibility from the end of the period of office of his predecessor, the earl of Morton, that is from 1 January 1581.<sup>7</sup> Francis Stewart held greater powers than any of his forebears and his re-grant of admiralty jurisdiction in July 1587 was more extensive than any previous provision.<sup>8</sup>

The office of admiral was held within an international context. The Scottish admiral was noted as having the same powers as his colleagues in England, France, Spain and Denmark and the maritime law administered in Scotland was strongly international in character.<sup>10</sup> The Scottish Sea Laws were based on the French 'Laws of Oleron', the Baltic 'Laws of Wisby'

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<sup>2</sup> McNeill (ed.), *Balfour's Practicks*, ii, 629-44; Paton, G C H (ed.), *An Introduction to Scottish Legal History* (Stair Society, 1958), 398; McMillan, A R G, 'The admiral of Scotland', *SHR*, xx, (1923), 12-18.

<sup>3</sup> McMillan, 'The admiral of Scotland', 15.

<sup>4</sup> Fraser (ed.), *The Sutherland Book*, i, 186; McMillan, 'The admiral of Scotland', 18.

<sup>5</sup> McMillan, 'The admiral of Scotland', 12.

<sup>6</sup> *RMS*, v, no 216. The earl of Morton had held the office following the forfeiture of James Hepburn and, on his forfeiture, the office was assumed by lord Seton (possibly on a temporary basis, as a favourite of the duke of Lennox).

<sup>7</sup> *CSP Scot*, vi, no 726; ix, nos 417, 488.

<sup>8</sup> Wade, *Acta Curiae Admirallatus*, p. xxxii; Goodare, *Parliament and Society in Scotland*, 52.

<sup>10</sup> The English had had a admiral since the thirteenth century but the first recorded Scottish officer only appears in the early fifteenth century, *Handbook of British Chronology*, 134; McMillan, 'The admiral of Scotland', 12.



and the French 'Constitutions' of 1543 and 1557.<sup>11</sup> In addition to basic statutes, various Scottish acts of parliament, practicks, treatises and codifications redefined the relevance of these laws within the Scottish context.<sup>12</sup> When any doubt as to what was recognised practice remained, the admiralty court relied on established seafarers and merchants to provide their knowledge and interpretation of the sea laws.<sup>13</sup> Unlike England, where the office of admiral was seen primarily as one of favour and profit, the Scottish admiral personally pursued cases on a regular basis - although profits were also important.<sup>14</sup> This personal intervention, combined with the need for speed when dealing with admiralty cases, occasionally caused authority to be exceeded. Such instances were usually resolved with reference to the privy council or court of session.<sup>15</sup>

There were continual disputes as to the jurisdiction of the court of admiralty.<sup>16</sup> The traditional rights of the burghs in relation to maritime affairs were under constant attack and usually it fell upon the convention of royal burghs to defend its members.<sup>17</sup> Occasionally, however, the convention exceeded its authority, as in the final days of Morton's regime, when the 'skippers, owners, masters and mariners of ships within the realm' had to petition the privy council concerning such a situation. Although, as admiral, Morton held significant authority over maritime matters, he was content merely to note his rights in the case before

<sup>11</sup> McNeill (ed.), *Balfour's Practicks*, ii, 614; see also SRO, GD150/2622 for an undated manuscript copy of *Balfour's Practick's* in the Morton papers.

<sup>12</sup> McNeill (ed.), *Balfour's Practicks*, ii, 614-44.

<sup>13</sup> Wade (ed.), *Acta Curiae Admirallatus*, p. v.

<sup>14</sup> England had consistency in admiralty affairs: from 1558 to 1585, Edward, lord Clinton, was admiral and, following his death, the post was granted to Charles, lord Howard of Effingham, who held it until 1619, Fryde (ed.), *Handbook of British Chronology*, 142.

<sup>15</sup> *RPC*, iv, 357.

<sup>16</sup> These disputes had been on-going since the early sixteenth century, see above, pages 61-2; Wade (ed.), *Acta Curiae Admirallatus*, xvi-xvii; Riddell, *Inquiry into Scottish Peerages*, i, 328-1.

<sup>17</sup> Wade (ed.), *Acta Curiae Admirallatus*, p. xiii. Patrick, third earl Bothwell, had granted the town council of Aberdeen the right to try a local admiralty case in 1547, Stuart, J (ed.), *Extracts from the Town Council Records of Aberdeen*, 2 vols (Spalding Club, 1844-8), i, 248. In 1580, Dundee council was authorised to levy shore dues and repair their harbour (part of the duties of admirals depute), Hay, W (ed.), *Charters, Writs and Public Documents of the Royal Burgh of Dundee, the Hospital and Johnston's Bequest, 1292-1880* (SBRs, 1880), 181. Whether these were one-off grants or, more likely, usual procedure in such cases is unclear.

permitting the privy council to direct the case on to the court of session for settlement.<sup>18</sup> The full extent of Morton's activity as admiral is unclear, however, when Francis Stewart tried to extend his powers at the expense of the burghs later in the 1580s, the realm's commercial representatives again put up strong vocal resistance.<sup>19</sup> During the sixteenth century, however, the relationship between the admiralty and the court of session remained ambiguous.<sup>20</sup> In January 1584, Bothwell appeared before the session to answer for his role,<sup>21</sup> and, in sensitive matters, the court seems to have acted as arbiter - but, possibly, only as a last resort. In November 1588, a merchant complained to the king when Bothwell, as admiral, acted as both judge and complainer in an action brought against him. The merchant's complaint was placed before the privy council (on which Bothwell sat!) and was ultimately referred to the session, but only if caution could be found and the admiral's rights satisfied.<sup>22</sup>

The jurisdiction of the admiral, which extended to civil, prize and criminal matters over the whole of Scotland, was patchy.<sup>23</sup> Following James VI's return from Denmark, the king promulgated changes to it. The reforms were suggested as part of the major shake-up planned within Scottish administration and one of them was that admiralty courts should take place in at least one seaboard burgh in each county.<sup>24</sup> While this made administrative sense, Bothwell must have felt that this threatened his control over outlying areas. It seems no coincidence that, in 1590, William Welwood published his *Sea-Law of Scotland* dedicated to his patron, king James.<sup>25</sup> Around the same time, Alexander King (admiral depute, and also a close

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<sup>18</sup> RPC, iii, 308.

<sup>19</sup> Wade (ed.), *Acta Curiae Admirallatus*, p. xiv.

<sup>20</sup> *ibid.*, p. xv.

<sup>21</sup> SRO, CS/1/3/2, f 212r, Taylor, L B (ed.), *Aberdeen Council Letters*, 6 vols (Oxford, 1942-61), i, pp. liv-lv.

<sup>22</sup> RPC, iv, 330-31.

<sup>23</sup> Riddell, *Inquiry into Scottish Peerages*, i, 332.

<sup>24</sup> Wade, *Acta Curiae Admirallatus*, p. xv.

<sup>25</sup> Bothwell knew Welwood from his time of study at St Andrews (and possibly from his time on the continent) and the publication may have been part of a concerted effort by Bothwell to keep all his admiralty responsibilities untouched. During the baptismal celebrations for prince Henry, in August 1594, Welwood (by then professor of civil law at St Andrews University) approached James as a courier for greater interests and requested the king to reconcile himself with the earl, *CSP Scot*, xi,



acquaintance of Bothwell) also wrote on maritime matters and was patronised by Bothwell.<sup>26</sup>

Like the changes planned on the borders and in relation to sheriffdoms and the household, such reforms would clearly restrict the admiral's extensive authority.

The cause of some of the disputes over jurisdiction came about because Francis Stewart took his responsibilities as admiral seriously. Like many of his other positions, it gave him a regular licence to interfere. Like the previous earls Bothwell, he attended some admiralty courts personally and it is likely, in line with what we know of Francis Stewart's attendance patterns in his other jurisdictions, that he would have sat occasionally as judge.<sup>27</sup> Bothwell also acknowledged his responsibilities for combating piracy although his actions occasionally disguised other motives.<sup>28</sup> In the autumn of 1588, Francis Stewart prepared a number of ships, crewed with 600 men, in order to descend on the Western Isles and specifically Lewis.<sup>29</sup> As winter approached, however, the mariners became less willing to embark and the burghs of the Scottish east coast became more agitated that what Bothwell really intended to do was attack the ships of the Low Countries and thus damage their trade.<sup>30</sup> Others feared that the raising of forces by Bothwell was a less than elaborate cover enabling him to assist any Spanish fleet that might reappear in Scottish waters. Such scaremongering ignored a very pertinent maritime problem: in 1587, the English had complained that the MacLeans in the isles had

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no 343. For a brief discussion of Welwood's career see Alsop, J D, 'William Welwood, Anne of Denmark and the sovereignty of the sea', *SHR*, lix (1980), 171-75.

<sup>26</sup> Wade (ed.), *Acta Curiae Admirallatus*, p. xxxii. It is likely he too was known to Bothwell from their time at St Andrews University and on the continent, see Durkan, J, 'The French connection', 37. He was the son of Alexander King, burgess of Edinburgh, and a noted catholic, *CSP Scot*, x, no 440; Lynch, *Edinburgh and the Reformation*, 176. Even after Bothwell's disgrace in 1591, the convention of royal burghs complained about the earl's jurisdiction and asked that all future grants of admiralty be confined to the rights and duties from the time of James V, McMillan, 'The admiral of Scotland', 15

<sup>27</sup> *RPC*, iv, 135, 308, 330-1. For the attendance of <sup>the</sup> fourth earl, see SRO, AC1 ff. 37v, 46v, 123r.

<sup>28</sup> *CSP Scot*, x, app., no 5; Anderson, *Robert Stewart*, 122-3.

<sup>29</sup> It has been claimed that Bothwell had previously received a grant of Lewis and Skye from James VI but no charter remains extant under either the great or privy seal, see above, pages 247-9.

<sup>30</sup> *CSP Scot*, ix, no 542; Pitcairn (ed.), *Diary of James Melville*, 276. No aid could come from Lothian as Bothwell, acting as admiral, had decreed that no ships should leave the port of Leith.



been terrorising their shipping for some time and remained unpunished.<sup>31</sup> Similarly, the proposed actions by Bothwell against Orkney in 1590 may not necessarily have been planned against the earl, his uncle and consistent supporter, as has been claimed, but may have been directed against the piratical locals who had been causing problems for a significant part of the decade.<sup>32</sup>

The duties of the admiral involved him in close co-operation with a number of other royal or local officials (or their deputed). This was most notable in regard to the water bailie of Leith, the comptroller (who was also the custumar and searcher general of Scotland), the king's advocates, the justice clerk, the clerk register and the conservator of Scottish privileges at the staple of Veere.<sup>33</sup> Similarly, the responsibilities of the admiral involved him in delicate international diplomacy. In the duckpond of the North Sea, the Scottish admiral was called upon to maintain working knowledge of the maritime strengths of over a dozen European states. It is unsurprising that the earls Bothwell received knowledgeable 'welcomes' in Denmark, the Low Countries, France and Spain as the administrators and mariners of those countries would know of them, if not in person, then at least by reputation. International diplomacy was not always peaceful: in 1585, James had been prepared to sanction the outfitting of two ships of war to combat pirates,<sup>34</sup> and the secondary purpose of the mission to try to save Mary, queen of Scots, from execution in December 1586, was to seek satisfaction from Elizabeth for the most recent acts of English piracy.<sup>35</sup>

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<sup>31</sup> *CSP Scot*, ix, no 418.

<sup>32</sup> Anderson, *Robert Stewart*, 122-3.

<sup>33</sup> *RPC*, iv, 217; McMillan, A R G, 'The Scottish court of admiralty', *Juridical Review*, xxxiv (1922), *passim*.; Pitcairn (ed.), *Criminal Trials*, i, 93; Mowat, *Port of Leith*, 41. In the early 1580's, the conservator was George Halkett of Pitfirrane, who was married to Isobel Hepburn. For water bailies, see Robertson, D, *The Bailies of Leith* (Leith, 1915), 1-16; for the Scottish staple, see Davidson, J, & Gray, A, *The Scottish Staple at Veere* (London, 1909). In September 1588, William Fowler, parson of Hawick, and associate of Bothwell was appointed comptroller of salt duties - a post specifically important to merchants and mariners, SRO, PS1/58, f. 66v.

<sup>34</sup> *RPC*, iv, 9.

<sup>35</sup> *CSP Scot*, ix, no 215.

Admiralty matters had constituted a vital part in the Anglo-Scottish alliance treaty signed earlier in July 1586,<sup>36</sup> and Archibald Douglas, unofficial ambassador at the English court, regularly complained of attacks on Scottish ships. In 1586, Douglas noted that two of the most recent ships attacked had been importing wine to Scotland and the third, carrying exports from 'the best men of Edinburgh', had been lost with a cargo of wax, lint, hemp, salmon, cloth and hides valued at £60,000 (c £7,500 sterling).<sup>37</sup> With the English admiralty 'dealing hard' with the Scots both in terms of known cases and cases as yet unpursued, Francis, earl Bothwell, was an obvious choice as one of the king's ambassadors for the mission to save Mary. Bothwell had been involved in the petitions for restitution of pirated goods and combined genuine affection for his aunt with a practical knowledge of the current diplomatic problems.<sup>38</sup> Although the mission failed as regards the execution of Mary, by November 1587 it had been calculated that nearly £65,000 (£8,046 sterling) rested to be restored to the Scots as a result of English piracies on top of £45,000 (£5,643 sterling) already restored.<sup>39</sup> While James VI did not have the maritime ambitions of James IV, he continued to take a close personal interest in pirates and piracy cases. When Thomas Randolph visited the Scottish court, one of James's prime concerns was to find out about the round-the-world voyage of Francis Drake.<sup>40</sup> The close relationship between Bothwell and the king throughout the mid-1580s allowed for a co-ordinated Scottish approach to maritime matters.

During the king's absence in Denmark, Bothwell continued to carry out his other governmental responsibilities. He took an active rôle in admiralty matters, particularly when it

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<sup>36</sup> Freedom of navigation had first been included in Anglo-Scottish peace treaties in 1451, Ridpath, *Border History*, 286. At various times, maritime matters affected Scottish relations with the States General and Denmark, *CSP Scot*, ix, nos 535, 541.

<sup>37</sup> *CSP Scot*, ix, no 193.

<sup>38</sup> *RPC*, iv, 135.

<sup>39</sup> *CSP Scot*, ix, no 413.

<sup>40</sup> *CSP Scot*, viii, nos 250, 252, 254, 297.



was one of his own ships (loaded with armaments and victuals) which was involved;<sup>41</sup> when it was one of his associates' ships which was captured;<sup>42</sup> or when it was Danish complaints of piracy.<sup>43</sup> George Peterson, a noted pirate who had been causing trouble in the North Sea for the previous two years, was imprisoned in Edinburgh Castle, after complaints by Edinburgh town council, despite the fact that he pleaded that he had a letter of marque from the duke of Parma.<sup>44</sup>

Due to the length of Scottish coastline, Bothwell could not hope to police all matters himself. Problems occasionally arose when local magnates undertook actions which compromised the admiral's position. In 1587, lord Maxwell (whose father had been admiral in the 1540s) offered to secure deep water ports to any invading Spanish armada,<sup>45</sup> and later in the 1580s, the earl of Orkney, similarly, offered assistance to the remnants of the Spanish fleet.<sup>46</sup> The main admiralty court, which kept records of its *Acta*, and which had existed since before 1451, was normally constituted below the high water mark at Leith and then postponed to either the Leith, Edinburgh or Canongate tolbooths for more comfort.<sup>47</sup> Bothwell relied on vice-admirals, admirals depute, procurators (normally with legal training)<sup>48</sup> and other *ad hoc*

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<sup>41</sup> *CSP Scot*, x, no 314. The ships carried two brass falcons (which had been sold at Yarmouth); two brass robinettes (sold at Bridlington); six brass hagbutts; sixteen other hagbutts; four muskets; three roundaches, three corslets, 100 stone weight of lead; six hundred pound weight of powder; twelve pikes; sixteen tons of oil; eight tons birskett; 240 killings; four marts; twenty-four muttuns; sixty stones cheese; ten stones butter; five stones candle; and four chalders of coal. Bothwell threatened if he did not receive redress, he would not do justice in English cases in Scotland, *CSP Scot*, x, no 312. In England, admiralty matters were being dealt with personally by Howard and Walsingham, *ibid.*, no 344.

<sup>42</sup> *ibid.*, nos 356, 384.

<sup>43</sup> *ibid.*, no 283.

<sup>44</sup> *CSP Scot*, x, app., no 13.

<sup>45</sup> Brown, 'Dryfesdale Sands', 69; see also Mackie, J D, 'Scotland and the Spanish Armada', *SHR*, xii (1914), 1-23.

<sup>46</sup> Anderson, *Robert Stewart*, 120-2.

<sup>47</sup> Ditchburn, D, 'Trade with Northern Europe, 1297-1540', *The Scottish Medieval Town*, edd. M Lynch, M Spearman & G Stell (Edinburgh, 1988), 174, notes the existence of an admiralty court at this date. Wade suggests a court may have existed by 1427, Wade (ed.), *Acta Curiae Admirallatus*, p. xiii.

<sup>48</sup> Wade (ed.), *Acta Curiae Admirallatus*, p. xxxvi; Macfarlane, *William Elphinstone*, 56.



officers in the localities as well as an active administrative staff.<sup>49</sup> Many of the admiralty officials were also Edinburgh shrieval officials and much of the local responsibility was normally 'delegated' to local deutes.<sup>50</sup> The admiralty offices, while functional, could also be used as means of patronage. In the case of the laird of Lochinvar, in 1590, he was offered the vice-admiralty of the Solway shore as a bribe to tempt him to capture the troublesome Spanish barque.<sup>51</sup> David Kintore and Richard Trollope had been vice admirals for James, fourth earl Bothwell,<sup>52</sup> and Thomas Gilbert had acted as admiral depute for Morton.<sup>53</sup> Bothwell's vice-admiral was David Collace who was appointed in 1586, when Bothwell's other commitments meant that he had less time to spend on administrative affairs.<sup>54</sup> Bothwell continued to be regularly involved in admiralty matters but, it was Collace who appears to have taken over the more active rôle. When petitioning for Scottish merchants, Collace was forced, on one occasion, to send one of his own deutes to talk with Thomas Randolph. He apologised for the fact that he could not converse personally with the ambassador, as he liked to do.<sup>55</sup>

West-coast piracy, while not on the scale of North Sea piracy, was a considerable problem, but this, by and large, was dealt with by the earl of Argyll, as admiral of the western seas, or

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<sup>49</sup> James Foulis and Alexander Thomson acted as admirals depute in 1586, NLS, MS 9931, ff. 10-11; John Mossman was admiral clerk for the period recorded in the *Acta*, 1557 to 1561, Wade (ed.), *Acta Curiae Admirallatus*, *passim*; Robert Cathcart was admiral clerk by 1586 until, at least, 1589, NLS, MS 9931, ff. 10-11; James Hackerston acted as admiralty officer, for Lennox, in 1591 and had probably held the post under Bothwell, Seton, 'Golden Pennie', 125.

<sup>50</sup> Wade (ed.), *Acta Curiae Admirallatus*, p. xv. For example, David Kintore was sheriff depute for Edinburgh; John Mossman, admiral clerk, was also sheriff clerk in Edinburgh; and Thomas Craig, sheriff depute of Edinburgh acted as admiralty procurator in the 1570s, *RPC*, iii, 247.

<sup>51</sup> See below, page 290.

<sup>52</sup> *Acta Curiae Admirallatus*, p. v. These men may have had specific responsibilities. In 1556, Kintore was to be responsible from the River North Esk to Ross-shire and answerable to the provost and bailies of Aberdeen for his commission, Stuart (ed.), *Town Records of Aberdeen*, i, 297. Kintore received the profits of Hepburn of Waughton's Aberdeenshire and Buchan lands, 'Letters to Agnes, countess of Bothwell', *Bannatyne Miscellany*, iii, 288.

<sup>53</sup> Pitcairn (ed.), *Criminal Trials*, i, 93. He was also a sheriff depute of Edinburgh.

<sup>54</sup> SRO, PS1/53, f. 139r; NLS, MS 9931, ff. 10v-11r. The definition and terminology of the vice-admiralty is unclear. Kintore and Trollope may have been, in fact, admirals depute, as were the master of Kilmaurs and John Barton in the 1540s, Fraser (ed.), *Caerlaverock*, i, 184; Mowat, *Port of Leith*, 101, 118. Collace, however, was definitely a vice-admiral in the later understood sense of the term. Seton's assertion that no vice-admiral is known until the appointment of James Wemyss of Bogie, in 1591, is erroneous, Seton, 'Golden pennie', 122.

<sup>55</sup> *CSP Scot*, viii, no 378.

his representatives.<sup>56</sup> In the past the relationship between the two officers had not always been friendly<sup>57</sup> but, in 1585, Francis Stewart issued a grant to Argyll, and his tutor Campbell of Ardkinglass, to act as admiral in the west for the period of a year.<sup>58</sup> This grant, which is unlikely to have been a one-off, and was probably an annual renewal, allowed Ardkinglass to continue to executing the admiral's authority on the western seaboard, an area where he had been used to holding admiralty courts 'mony yeirs bygone'.<sup>59</sup> In the 1580s, two of the major problems on the western seaboard were Scottish interference in Elizabethan concerns in Ireland and the actions of the MacLeans of Duart. The authority exercised by Argyll was seen as part of the solution but in the later 1580s and 1590s more radical solutions were proposed.<sup>60</sup>

Bothwell was prepared to use the best men to secure his, or the king's, wishes in maritime matters: Archibald Douglas - the earl's step-father - acted on Bothwell's behalf in admiralty cases before the English council.<sup>61</sup> The Scottish 'ambassador' was well aware of the effects of piracy, not being above the odd act of piracy himself.<sup>62</sup> Adam Fullerton, an Edinburgh merchant who had operated as 'agent for Scottish causes' in piracy matters for the regents Moray, Lennox, Mar and Morton with full royal authority, was again employed on his own and to assist Archibald Douglas.<sup>63</sup> Fullerton was active in admiralty matters from Bothwell's

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<sup>56</sup> *APC*, xi, 198; *CSP Scot*, vii, no 314; ix, no 96; Dawson, 'Origins of the "Road to the Isles"', 93.

<sup>57</sup> *Acta Curiae Admirallatus*, p. xxiv.

<sup>58</sup> *HMC, Fourth Report*, 481.

<sup>59</sup> *RPC*, iii, 518.

<sup>60</sup> *HMC, Fourth Report*, 488.

<sup>61</sup> *HMC, Marquis of Salisbury*, iii, 288, 429; *CSP Scot*, ix, no 519; x, no 70.

<sup>62</sup> *HMC Marquis of Salisbury*, iii, 288; *CSP Scot*, ix, no 133. Mowat has argued that 'most Leith skippers would engage in piracy if the opportunity arose', Mowat, *Port of Leith*, 59.

<sup>63</sup> *APC*, xi, 51, 107, 174, 196, 247, 257; *RPC*, iii, 322; *CSP Scot*, i, no 363; viii, nos 107, 137, 138, 139; ix, no 163. Fullerton had been a prominent member of the protestant party in the 1550s, although he was willing to adapt to the circumstances to further his own ends, Lynch, *Edinburgh and the Reformation*, 16, 44, 155-56. Lynch sees Fullerton as the 'natural' choice to represent merchants. In 1584, Fullerton was still due £873 for services to Moray, £650 for services to Lennox and £425 for services to Mar. He was offered a share in the profits of a plan (devised by himself) for saving money when mining or minting coin in order to repay the debt, *RPC*, iii, 682.



return,<sup>64</sup> and he was frequently at the English court and attended the 1586 peace treaty negotiations in Bothwell's train.<sup>65</sup> John Colville, the earl's 'servitor',<sup>66</sup> and John Ferguson, another merchant, was similarly used, although not as frequently.<sup>67</sup> Other notable lords, with influence in the English court, also corresponded with the Scottish administrators in London: Hamilton had a long running dispute concerning English piracy off the coast of Orkney;<sup>68</sup> Angus wrote directly to Walsingham concerning one of his servants robbed at sea<sup>69</sup> (an official approach was also made through John Colville);<sup>70</sup> the master of Gray petitioned personally for restitution of goods taken from him;<sup>71</sup> and East Wemyss and John Carmichael, when on official embassies, were utilised.<sup>72</sup> When dealing with countries other than England, James was even prepared to request the exiled bishop of Ross for assistance in a matter where certain Scottish merchants were attacked by English pirates and granted restitution by the *parlement* at Rouen.<sup>73</sup>

Piracy affected the royal burghs most of all. It has been estimated that, in the late sixteenth century, around a quarter of successful Edinburgh merchants were, at some time, victims of piracy.<sup>74</sup> In 1585, Aberdeen petitioned the English court for restitution of goods to some of their merchants as 'they, their wives and children are in extreme poverty'.<sup>75</sup> In the later sixteenth century, while Berwick continued as an important trade centre for Scottish goods entering England, Edinburgh, through its port of Leith, dominated Scottish overseas trade.<sup>76</sup> As a result, it had warehouse facilities and close-by royal authority which enabled goods from

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<sup>64</sup> *CSP Scot*, vi, nos 445, 448, 465, 506.

<sup>65</sup> *ibid.*, viii, no 488.

<sup>66</sup> *ibid.*, vii, no 38; ix, no 128.

<sup>67</sup> Lynch, *Edinburgh and the Reformation*, 166.

<sup>68</sup> *CBP*, i, no 729.

<sup>69</sup> *CSP Scot*, ix, no 519.

<sup>70</sup> *ibid.*, nos 125, 126, 128.

<sup>71</sup> *ibid.*, viii, no 67.

<sup>72</sup> *CSP Scot*, x, nos 121, 414.

<sup>73</sup> *ibid.*, viii, no 631.

<sup>74</sup> Lynch, *Edinburgh and the Reformation*, 166.

<sup>75</sup> *CSP Scot*, viii, no 70.

<sup>76</sup> *CBP*, i, no 178.



shipwrecks or pirates to be held securely.<sup>77</sup> As well as being the important trade centre for early modern Scotland, Leith was also a mustering point for troops engaged in overseas service; a ferry port to Fife; an entrepôt for all the Scottish towns on the east coast; and the site of the majority of traceable admiralty courts. To try to maintain control in such place, the admiral required a strong physical presence in Leith itself, and also the surrounding area. In November 1588, Bothwell was sent to Leith by the king to keep order in the port between the inhabitants and some men-of-war. It was an understandable, but unfortunate, choice of noble to intervene. Bothwell's men ran out of control and the result was greater discord.<sup>78</sup> As sheriff of Edinburgh, Bothwell already held significant judicial powers - Mary had granted the superiority of Leith to the burgh of Edinburgh in 1561<sup>79</sup> - however, Francis Stewart, unlike the previous earls Bothwell, maintained a property in Leith and was frequently present there - adding his physical threat to his judicial powers. Other members of his kin group or close associates likewise maintained property in the town.<sup>80</sup>

Piracy, however, was not restricted to the sea lanes. A matter of months after the execution of Mary, in a political climate of mutual distrust, the *Joseph* of King's Lynn had been wrecked off North Ronaldsay. Less than half the goods on board were able to be salvaged but when they were brought ashore, they were requisitioned by the servants of Robert Stewart, presumably invoking his local admiralty powers. A month later, a Hull mariner in a ship called the *Black Lyon* was accused of landing in Orkney and spoiling the inhabitants and their possessions.<sup>81</sup> Similar pirates had done likewise in Caithness and Sutherland.<sup>82</sup> Robert Stewart, earl of Orkney and the admiral's uncle, sent money to Bothwell to equip three ships

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<sup>77</sup> *RPC*, iii, 367.

<sup>78</sup> *ibid.*, iv, 332; Brown, *Bloodfeud*, 76.

<sup>79</sup> Lynch, *Edinburgh and the Reformation*, 118.

<sup>80</sup> For example, SRO, RH6/2157; *CSP Scot*, x, nos 616, 618, 652, 749; xi, nos 143, 366; HMC, *Marquis of Salisbury*, xiii, 101-3.

<sup>81</sup> *CSP Scot*, ix, no 354.

<sup>82</sup> *ibid.*, viii, nos 712, 732. The Shetland raid reportedly secured £30,000 worth of goods.

for the protection of Orkney fishermen against pirates.<sup>83</sup> Although Robert Stewart himself, was not beyond encouraging piracy, this whole situation was part of the larger political problem. Orkney continued to shelter pirates and, in November 1588, John Henryson, a skipper from East Friesland, complained that George Peterson, a Scottish pirate, had captured his ship and goods and taken them to Orkney where they had been sold. The case went to court in Edinburgh and Francis, earl Bothwell, appeared on behalf of his uncle to defend his actions, principally on the grounds that Peterson was the king of Spain's subject and possessed letters of marque to attack ships from the Low Countries. This defence demonstrates that Bothwell was well aware of who Peterson was, Spanish subject or not, but the defence was scuppered by the fact that East Friesland was not in rebellion and was active on behalf of the rights of Spain! Bothwell and Orkney were ordered to return the ship within ten days but only after the due process of law was followed and caution was lodged in the books of admiralty.<sup>84</sup> Peterson did not escape justice on another occasion either. Edinburgh town council complained of his continual behaviour in 1589 and earl Bothwell, this time responsible as assistant governor as well as admiral, imprisoned him in Edinburgh Castle.<sup>85</sup>

The office of admiral was a lucrative one. While no records survive to allow even a rough approximation of the value of the office, it allowed the opportunity to acquire current trade goods without payment, and then allow settlement of the debt by international judicial process and arbitration. The admiral was entitled to a tenth of all pirated goods, a tenth of all pillage, a tenth of any assize of herring and white fish and a tenth of any ransom of prisoners - there is little surprise therefore that Bothwell was chosen to 'host' the major Spanish captains shipwrecked by the armada debacle - they had money!<sup>86</sup> He was also entitled to a third part of

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<sup>83</sup> *CSP Scot*, ix, no 396.

<sup>84</sup> *RPC*, iv, 330-1.

<sup>85</sup> See above, page 263.

<sup>86</sup> *CSP Scot*, ix, no 564.



all flotsam, jetsam and laggan.<sup>87</sup> He was entitled to the 'golden penny' - a rose noble off every ship built, exchanged or sold within the waters or lands of Leith and the Forth.<sup>88</sup> He could extract payment for passports, licences for foreign travel and safe conducts and exacted a series of fines for failure to adhere to the laws of the sea.<sup>89</sup> The burghs, and Leith especially, often found the admiral's exactions 'irksome'.<sup>90</sup> When James, in 1590, attempted to restrict the dues the admiral could claim from a case against English pirates, Bothwell objected strongly and grew increasingly discontented.<sup>91</sup> Edinburgh too objected to the admiral's exactions, or at least, to the vigorous nature with which his officers carried out their tasks.<sup>92</sup>

The admiral could also expect to acquire confiscated ships and ships fittings.<sup>93</sup> Lord Seton, as admiral, seems to have possessed no ships of his own (the town of Edinburgh was ordered to furnish him with vessels for his journey to France as ambassador in 1583)<sup>94</sup> although he had frequent opportunity to acquire such and may have used the vessels for patronage purposes while he, himself, took the more lucrative cargo.<sup>95</sup>

One of the rights of the admiral was to grant the gift of escheat of all shipping sunk off the Scottish coast. In 1588, this would have given Francis Stewart considerable patronage and the rights to some of the ships sunk in the storms that wrecked the armada were still a matter of debate a century later.<sup>96</sup> In 1588, when the Spanish armada encountered difficulties off the Scottish coast, it had been Bothwell, and his deputed, who were ultimately responsible for the welfare of the sailors and the capture of shipwrecked arms, munitions and treasure. Even

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<sup>87</sup> McMillan, 'The admiral of Scotland', 15.

<sup>88</sup> *RPC*, Second series, iii, 660. This right also applied to the regality of St Andrews and might imply a formal register of shipping, McMillan, 'The admiral of Scotland', 15.

<sup>89</sup> McMillan, 'The admiral of Scotland', 18.

<sup>90</sup> *RCRBS*, i, 339

<sup>91</sup> *CSP Scot*, x, no 423, 430.

<sup>92</sup> *ECC*, SL7/1/8, p. 175-7; *EBR*, iv, 530; v, 13.

<sup>93</sup> *CSP Scot*, x, no 8.

<sup>94</sup> *CBP*, i, no 184.

<sup>95</sup> *CSP Scot*, vi, no 193.

<sup>96</sup> *SRO*, GD224/83/1; Fraser, W (ed.), *Memorials of the Family of Wemyss of Wemyss*, 3 vols (Edinburgh, 1888), i, 28, ii, 177-78;



when the armada was dispersed, Bothwell had had to keep a close watch on where they threatened landfall and through his intelligence gathering system been aware of their situation and strength.

The admiralty officers did not always acquire their rights legally. Deputes speculated in ships that came before them<sup>97</sup> and, on some occasions, Francis Stewart acted as pirate-in-chief. He gathered around himself a coterie of privateers and mercenaries, not formally linked to him by any traceable bond, but drawn to him through his ability to patronise them and legally protect them for their indiscretions.<sup>98</sup>

Bothwell was prominent in offering his protection to Peter Lowe (or Peterson), a pirate who had captured an English corn ship bound for Berwick and sold its cargo to Montrose. Despite royal warrants, Montrose council would not act against him because of Bothwell's involvement and protection.<sup>99</sup> Similar expeditions had been undertaken by captains Peterson and Hackerston along the English east coast throughout 1587 and 1588 to its 'hurt' and Asheby reckoned the only way to stop the raid was to hang the perpetrators.<sup>100</sup> James, while condemning such actions publicly, must have been aware that, albeit to a small degree, they help alleviate some of the problems caused by the harvest failure and famine in Scotland at that time.

One of the responsibilities of the admiral was coastal defence when invasion threatened. These responsibilities, while rarely used, were well known. In 1588, when invasion threatened,

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<sup>97</sup> Wade (ed.), *Acta Curiae Admirallatus*, p. xviii.

<sup>98</sup> *CSP Scot*, x, no 8. It was not unusual for an admiral to act in such manner, see Ditchburn, D, 'Piracy and war at sea in late medieval Scotland', *Scotland and the Sea*, ed. T C Smout (Edinburgh, 1992), 46. Less usual was when something was done about it - an exception being in 1581 when Philip Bassett, English vice-admiral of Essex, was charged with piracy and imprisoned in Fleet Prison, *APC*, xiii, 85, 130.

<sup>99</sup> *CSP Scot*, x, no 8.

<sup>100</sup> *ibid.*, ix, no 605; x, no 8. Asheby, with his usual moderation, suggested England send up a man-o-war to 'awe' the pirates. He seemed less concerned about the threat to shipping, rather more the opportunity this would offer to intercept Scottish correspondence with the king of Spain and duke of Parma.

Bothwell was simply ordered 'to attend upon his own charge of admiralty'.<sup>101</sup> This lies behind Forster's claim that Bothwell was made lieutenant of the army to counter the Spanish invasion.<sup>102</sup> The admiral was responsible for any troops mustered to defend the shoreline or embark on ships and also for keeping watch for any invading ships.<sup>103</sup> Francis Stewart's newly restored position in Coldingham offered him the perfect vantage point for his servants to scan the horizon to the south. The responsibilities were widespread, the armada having been reported to have landed in the Moray Firth, Orkney, Shetland or Norway.<sup>104</sup> The whole involvement of Bothwell with the armada is confused.

It has been claimed Bothwell performed against the armada unwillingly.<sup>105</sup> However, following the command to 'look to his charge of admiralty' Bothwell gathered ships and men together to combat any threatened invasion.<sup>106</sup> Furthermore, he issued orders to prevent merchants sailing to foreign ports during the crisis, and arrested those that sought to sail without his licence.<sup>107</sup> While Edinburgh raised 500 men to protect itself and the king,<sup>108</sup> and Leith too undertook separate preparations,<sup>109</sup> the rest of the realm were summoned to a series of musters to combat invasion. By 22 August, between 10,000 and 12,000 were gathered in East Lothian under Bothwell, Mar and Cesford (obviously representing the lowland contingent).<sup>110</sup> The subjects in the north had also been instructed to muster to cope with any threat to Aberdeen or the Moray coast, and Bothwell, as admiral, was considered to be lieutenant of that body of men also.<sup>111</sup> Although the troops and ships were not required,

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<sup>101</sup> *RPC*, iv, 308.

<sup>102</sup> *CBP*, i, no 627.

<sup>103</sup> McMillan, 'The admiral of Scotland', 15.

<sup>104</sup> *CBP*, i, no 623.

<sup>105</sup> *DNB*, ix, 592.

<sup>106</sup> *EBR*, iv, 527-31.

<sup>107</sup> *EBR*, iv, 528-31.

<sup>108</sup> *CBP*, i, no 624.

<sup>109</sup> *ibid.*, no 620.

<sup>110</sup> *CSP Scot*, ix, no 499. Chalmers states these forces were raised to invade England 'with the aid of Spain', Chalmers, *Caledonia*, iii, 474.

<sup>111</sup> *CBP*, i, no 627.



Bothwell sought to utilise them later in the month to conquer the Hebrides.<sup>112</sup> Bothwell was seen as more than just a symbol: in August, he was at the centre of the vital communications network attempting to find the location of the Spanish fleet;<sup>113</sup> subsequently, he was perceived as a powerful figure able to aid ship-wrecked Spanish forces;<sup>114</sup> and it is possible that he was considered as the go-between when James was offered a loan to finance the wages of 30,000 soldiers, for a minimum of three years, in order to make war on England (an alleged investment of around £18 million – a figure probably inflated by the reporter).<sup>115</sup>

The final function of the admiral was his involvement in court ceremonial. In the first week in June 1585, despite raging plague, Bothwell was residing in Leith.<sup>116</sup> It was probably not coincidental that on the Saturday thereafter, Danish ambassadors arrived at the port. While Wotton records that James Melville and Colonel Stewart entertained the dignitaries, who better than the admiral to appear in an official capacity to receive the gift of a ship on the king's behalf?<sup>117</sup> Bothwell was the initial choice of James VI to sail to Denmark to bring home the king's bride. Bothwell's exorbitant financial claims (and personal ill-health) prevented him from going but after being left as assistant governor of the realm (and master of the horse - one of the most senior household officials left in Scotland), he may have been significantly involved in the preparations for the homecoming of the king and his new queen. After Anna's official welcome, Bothwell was required to change hats and ride at the right hand side of the king as master of the horse. It is also not beyond doubt that, as sheriff of Edinburgh, he also had some responsibility in keeping order within Leith and the Canongate and on the

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<sup>112</sup> *CSP Scot*, ix, no 502. This is an strong indication that a view that 'James's [Highland] policy had had a potential military arm ever since 1596 when he first threatened to lead an expedition to the Isles himself', should also be considered equally pertinent a decade earlier when the international situation was more tense and the policy looked less wise, Lynch, M, 'National Identity in Ireland and Scotland, 1500-1640', *Nations, Nationalism and Patriotism in the European Past*, edd C Bjorn, A Grant & K J Stringer (Copenhagen, 1994), 130.

<sup>113</sup> *CSP Scot*, ix, no 515.

<sup>114</sup> *CBP*, i, no 620.

<sup>115</sup> *CSP Scot*, ix, no 396.

<sup>116</sup> *CSP Scot*, vii, no 629.

<sup>117</sup> *ibid.*, no 640.



processional route between them.<sup>118</sup> Although Bothwell was stripped of the office of admiralty in August 1591 (when it was given to Lennox), he continued to style himself admiral of Scotland and, even when in exile in Spain, continued to involve himself in maritime matters with prospects of the attendant profits.<sup>119</sup>

#### lieutenant of the border (1582)

Following the success of the Ruthven raid, Francis, earl Bothwell, was initially rewarded with the position of lieutenant for the east and middle marches. The earl of Glencairn, who was reported as likely to be the lieutenant for the west march, either was not offered the position, or refused it. Bothwell was thus employed as lieutenant for the whole border - a position previously held by the earl of Angus (then in exile in England).<sup>120</sup> Bothwell was to arrange a muster for the marches at Jedburgh before the end of the year. The situation quickly changed however, and James decided if any justice was to be dispensed he would do so himself. Bothwell's commission was thus little better than a 'dead-letter'.<sup>121</sup> That said, Bothwell still considered the office as within his heritage and actively sought it until the time of his disgrace.<sup>122</sup> Following the earl's brief restitution to favour in the summer of 1593, he again sought the office but without success.<sup>123</sup>

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<sup>118</sup> See below, pages 372-3.

<sup>119</sup> *CSP Span*, iv, no 746.

<sup>120</sup> See *Appendix 7*.

<sup>121</sup> *CSP Scot*, vi, no 175; Rae, *Administration of the Scottish Frontier*, 255.

<sup>122</sup> *CSP Scot*, x, nos 472, 496; Calderwood, v, 111; Lee, *Maitland*, 218.

<sup>123</sup> *CSP Scot*, xi, no 113.

## chancellor (unachieved)

Twice, during his period of influence, Francis Stewart was considered for the office of chancellor. The first time, in November 1585, was following the restitution of the 'Stirling lords'. Both Woddington and Scrope reported to Walsingham that Bothwell had been granted the office.<sup>124</sup> It was not considered to be his first choice of appointment - he would have preferred to be captain of Edinburgh Castle, but that office had already been granted to Home of Coldenknowis. The office of chancellor was simply 'to please him'.<sup>125</sup> Within a few days it became apparent that Bothwell was not to be chancellor. From later evidence, it would appear that Bothwell was considered for the office but, after further reflection, was merely promised it when he was more mature (he was only twenty-two in 1585).<sup>126</sup>

The second occasion on which Bothwell was offered the office of chancellor was in 1589. Maitland, increasingly isolated and under pressure from a number of court factions, offered Bothwell 10,000 crowns and the office of chancellor if he did not rise against the king (then preparing to deal with the Brig o' Dee lords). Bothwell, doubtful of the sincerity of either offer, refused. Even after this, Bothwell still considered himself a 'chancellor-in-waiting' - the office had been promised to him and so he could continue to 'tolerate' Maitland.<sup>127</sup>

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<sup>124</sup> *CBP*, i, nos 388, 391, 393.

<sup>125</sup> *ibid.*, no 388. Bothwell again attempted to be made keeper of Edinburgh Castle between August 1590 and January 1591, *CSP Scot*, x, no 458, 464, 519.

<sup>126</sup> *CBP*, i, no 392. Subsequently, it was considered that Claud Hamilton might be created chancellor, *CBP*, i, no 412. Claud's brother, John, and the master of Glamis also coveted the office, *HMC, Marquis of Salisbury*, iii, 193 [misdated 1586 or 1587].

<sup>127</sup> *CSP Scot*, x, no 29.

## ambassador for league with England (1586)

In 1584, the idea was first promulgated of an offensive and defensive alliance between Scotland and England. Although James Stewart, earl of Arran, was dominant in the Scottish court at the time, he was considered by some to be lukewarm towards the league and it was James VI, personally, who was advocating closer links with Elizabeth.<sup>128</sup> James saw the Anglo-Scottish alliance as the first step in a broader protestant alliance with other North Sea states.<sup>129</sup> Proposals for the league were drafted and the earl of Rothes was chosen as chief negotiator on behalf of the Scots.<sup>130</sup> Other courtiers, such as Bothwell, Fleming, Maitland and Auchnoull were also involved in some of the initial meetings.<sup>131</sup> Before the league could be concluded, a day of truce on the border was violated and an English nobleman, lord Russell, was killed.<sup>132</sup> On receiving the news, James broke down in tears. He already suspected that the blame lay with Arran.<sup>133</sup> Although, initially, the meeting of the commissioners was postponed, the intention was to secure the league as rapidly as possible. Others within the Scottish court, however, were also growing less sure of the desirability of stronger ties with England.<sup>134</sup>

In November 1585, the successful coup of the rebel lords (engineered from England) meant that another delay for the league was inevitable.<sup>135</sup> However, it also meant that the new nobles in power around the king were firmer advocates of closer ties with England. The English themselves recognised the importance of the alliance with Scotland especially with a continued continental threat and irritating cross border Scottish raids (particularly on the west march).<sup>136</sup>

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<sup>128</sup> *CSP Scot*, viii, nos 9, 12, 32.

<sup>129</sup> *ibid.*, no 7.

<sup>130</sup> *CSP Scot*, vii, no 653.

<sup>131</sup> *ibid.*, nos 248, 250.

<sup>132</sup> See Dickinson, W C, 'The death of lord Russell, 1585', *SHR*, xx (1923).

<sup>133</sup> *CBP*, i, no 330.

<sup>134</sup> *CSP Scot*, viii, no 124.

<sup>135</sup> See above, page 153-4.

<sup>136</sup> *CSP Scot*, viii, no 258.



In May 1586, James received 'sweeteners' to encourage his closer association with Elizabeth. English envoys dangled the promise of money, lands, titles and assured succession before the king and, although the envoys went beyond their briefs, James was convinced of the desirability of alliance with England.<sup>137</sup> He consented to Elizabeth's suggestion that the commissioners should be one earl, one lord and one gentleman and requested that the commission should meet at Berwick on 19 June (the birthday which saw him enter his twenty-first year).<sup>138</sup> The Scottish earl was considered most likely to be either Rothes or Marischal.<sup>139</sup> Rothes was approached to be ambassador but declined on the grounds of ill health. Marischal, in his northern estates, was considered to be too far away to be able to attend with a sufficient train of supporters in the required time. James was faced with the prospect of utilising one of the younger generation of nobles and the most obvious choices were Mar or Bothwell.<sup>140</sup> The English considered neither earl suitable to meet with a man such as Rutland.<sup>141</sup>

On James's birthday (or the day after), Francis Stewart, earl Bothwell, was appointed Scottish ambassador for the treaty with England. He was considered 'the unfittest of any man in Scotland for such a charge'.<sup>142</sup> Randolph, who disliked Bothwell, thought that 'no man can be sure' of the Scottish representatives.<sup>143</sup> To a certain extent, the reservations concerning Bothwell represented English reservations and insecurity. Their chief ambassador, the earl of Rutland, bemoaned his own inclusion at Berwick as he had never dealt with such matters and in his 'ignorance and insufficiency' might hinder the English position.<sup>144</sup>

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<sup>137</sup> *CSP Scot*, viii, nos 405, 604.

<sup>138</sup> *ibid.*, no 390.

<sup>139</sup> *CSP Scot*, viii, nos 394, 405, 409; Elizabeth felt 1 July a more suitable date, *ibid.*, no 424.

<sup>140</sup> *ibid.*, no 463.

<sup>141</sup> *ibid.*, nos 463, 497, 499.

<sup>142</sup> *CSP Scot*, viii, no 497. Archibald Douglas, the earl's father-in-law, assured the English of his suitability. (Douglas, too, attended the commission for the treaty).

<sup>143</sup> *ibid.*, no 505.

<sup>144</sup> *ibid.*, no 483.

Bothwell travelled to Berwick with a train of sixty followers.<sup>145</sup> The Scottish party arrived on schedule and negotiations began on 27 June.<sup>146</sup> Initially, negotiations did not go smoothly. The Scots found fault with the English position as the suggested period for redress of Border raids was to start from 1573 and not, as the Scots wanted, 1567.<sup>147</sup> Mr George Young and Archibald Douglas were sent to the Scottish court to canvass the king for his opinion on the matter. A solution was reached and, on 5 July 1586, the commission for league was concluded.<sup>148</sup> Rutland complained 'the border matters are matters of inexperience to him and his fellows, but to their opponents their usual trade'.<sup>149</sup> Bothwell, who had used the opportunity to pledge his allegiance to Elizabeth, had not been so bad a choice after all.<sup>150</sup>

#### ambassador for Mary, queen of Scots (unachieved)

One of the reasons Bothwell was close to James during the early 1580s was that he combined protestantism and a pro-English outlook with a loyalty to the crown. Part of this loyalty extended not just to James but to the earl's god-mother and aunt by blood and marriage. Bothwell had kept in communication with Mary during her captivity and felt strongly concerning James's attitude to his mother. Mary had recommended Francis Stewart for advancement to his uncle's earldom in 1578,<sup>151</sup> had sought to speak in his favour in 1584,<sup>152</sup> and had corresponded with him during the 1580s.<sup>153</sup>

<sup>145</sup> *CSP Scot*, viii, no 500. See *Appendix 8*. Sixty was the usual number for trains of earls during negotiation, *RPC*, ii, 388, 538-9; Hewitt, *Scotland under Morton*, 39-41.

<sup>146</sup> *CSP Scot*, viii, no 522.

<sup>147</sup> *ibid.*, no 522. Heavy English raiding on Scotland had been undertaken in 1570. Walsingham regretted the delay felt some 'oil of gold' might have made things proceed more smoothly, *ibid.*, no 518.

<sup>148</sup> *ibid.*, nos 493, 515, 603; Moysie, *Memoirs*, 57.

<sup>149</sup> *CSP Scot*, no 524.

<sup>150</sup> *ibid.*, ix, no 86.

<sup>151</sup> Labanoff (ed.), *Letters of Marie Stuart*, iv, 361; Fraser (ed.), *The Lennox*, i, 421.

<sup>152</sup> *CSP Scot*, vii, no 124.

<sup>153</sup> *ibid.*, no 317.



As the intricacies of the Babington plot were revealed and Mary sentenced to death, James sought ambassadors to plead for his mother's life. The earl Bothwell was one of the first names suggested.<sup>154</sup> Bothwell was reportedly preparing to leave on the embassy on 20 December,<sup>155</sup> but, a few days prior to that he was reported as 'stayed'. It was considered that Elizabeth would not grant him (or any earl) a passport.<sup>156</sup> Others believed there were more sinister reasons. It was claimed that Bothwell was excluded from the embassy

by the drifte, it was thought, of the master of Grayes and Archebalde Douglass knowinge the said earle to be prompt and free of speech, and affectionate to the queene of Scottis, and such a one as would not, yf he discovered any of the trecheries, which moste suspected by him, conceale it<sup>157</sup>

Regardless of such obvious weaknesses, Bothwell would also have had additional uses on the embassy: other matters to be discussed in London concerned border matters, the league, and the satisfaction of 'a great number of poor Scots utterly wrecked and robbed by pirates'.<sup>158</sup>

#### **ambassador for the king's marriage (unachieved)**

When negotiations began in earnest concerning the marriage of James VI to one of the princesses of Denmark, the principal criteria for the choice of ambassador were his nobility, his knowledge of foreign languages and his wealth.<sup>159</sup> Bothwell fulfilled all the criteria. Francis Stewart was, initially, suggested for the rôle, but George Keith, earl Marischal, was chosen instead.<sup>160</sup> In October 1589, when James was desperate to receive Anna in Scotland

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<sup>154</sup> *CSP Scot*, ix, no 160, 185; HMC, *Marquis of Salisbury*, iii, 197; Fraser, W (ed.), *The Melvilles, Earls of Melville, and the Leslie, Earls of Leven*, 2 vols (Edinburgh, 1890), i, 111-2. The other ambassadors were to be the master of Gray, Robert Melville, David Lindsay (minister of Leith), John Sharp (advocate) and George Young (clerk to the council).

<sup>155</sup> HMC, *Marquis of Salisbury*, iii, 202.

<sup>156</sup> *ibid.*, iii, 204. The report was from Samuel Cockburn of Templehall who was due to accompany the earl south in his company.

<sup>157</sup> Stillie (ed.), *Illustrations of Scottish History*, 119.

<sup>158</sup> *CSP Scot*, ix, no 215.

<sup>159</sup> Stevenson, *Scotland's Last Royal Wedding*, 17.

<sup>160</sup> *CBP*, i, no 536. The other ambassador was to be Huntly.



before the winter storms, Bothwell was again considered as ambassador. For a second time, James chose someone else to fulfil the function - on this occasion, himself.<sup>161</sup>

#### master of the horse (1588?-1591?)

In lists of household officers from the period 1589-90, Francis Stewart is listed as master of the horse.<sup>162</sup> The formal grant of office, however, is no longer extant under the great or privy seals. Sir John Seton had been master of the horse at the beginning of the decade but must have demitted office in order to travel abroad, shortly thereafter.<sup>163</sup> The position as master of the horse was particularly important at the time of the queen's arrival in Scotland and the attendant ceremonies. Such position gave Francis Stewart close contact to the royal party (riding at the right side of the king) and responsibility for the arrangements of the ceremonial procession. The position was much coveted and in April 1593, lord Home retired from court malcontent when James refused to grant him the office, despite the lord's 'large offers' for the position and responsibilities.<sup>164</sup>

The position also may have given the earl considerable influence over the collection and distribution of information. While such a comment must, by its nature, remain unproven, Haynes has suggested that in England, the master of the horse (the earl of Leicester) took a lively interest in horseflesh because it gave him means of maximising his access to official and covert information channels by providing not only the animals but, by extension, some of the

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<sup>161</sup> Williams, E, *Anne of Denmark* (Chatham, 1970), 18.

<sup>162</sup> *Estimate of the Scottish Nobility* (Grampian Club), 54; *CSP Scot*, x, no 35.

<sup>163</sup> *CBP*, i, nos 124, 210, 406. The Setons, like the earls Bothwell, appreciated quality horseflesh and proved the quality of their animals in horse races in and around Haddington from the 1550s, Dennistoun, J, Macdonald, A, & Robertson, J (edd.), 'Indenture of a horse race betwixt the earls of Morton and Abercorn and the lord Boyd, dated at Hamilton, 15 August 1621', *Miscellany of the Maitland Club. Consisting of Original Papers and other Documents Illustrative of the History and Literature of Scotland*, 3 vols (Maitland Club, 1833-43), i, 196. Horses merited veneration in the poetry of the 'Castalian Band', Neilson, G, 'Rob Stene: a court satirist under James VI, *SHR*, ii (1895), 254.

<sup>164</sup> *CSP Scot*, xi, no 55.

riders.<sup>165</sup> Bothwell's information network, while not on a level with any of the English spy networks, was certainly considered one of the more effective in Scottish terms.

Quality horseflesh was very important in early modern Scotland and by no means widely available.<sup>166</sup> Bothwell was certainly an excellent choice for the office, his knowledge of horseflesh was extensive. One of his first concerns when arriving back in Scotland was the establishment of a stud; he possessed a valued white charger, Valentine; he frequently attended horse races, even while in disgrace; and, following Bothwell's raid on Falkland Palace in 1592, one of James's major concerns was that the earl had succeeded in taking a quantity of horseflesh which effectively wiped out the royal stud.<sup>167</sup>

#### searcher on the border (1588-91?)

As a result of a variety of laws forbidding cross-border commerce (following a widespread famine during the winter of 1588), the central government appointed an officer to 'search' for all contraveners of the legislation. Bothwell was given the jurisdiction for Edinburghshire, Haddingtonshire, Berwickshire and Roxburghshire as well as his regality holdings of Liddesdale, Kelso and Coldingham. He had power to transact legal process and could appoint deputes to carry out day-to-day tasks. As a reward, he was to hold the goods and lands of all persons caught until they were tried and, if committed he was to receive half the value of their estate. In addition, he was to 'receive expenses from the exchequer as required'.<sup>168</sup>

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<sup>165</sup> Haynes, *Invisible Power*, 17.

<sup>166</sup> *APC*, xii, 339. In 1579, James VI, himself, had only three or four horses and, during the remainder of his reign was frequently short of good horses - an important consideration for a monarch so involved in hunting, *CSP Scot*, x, nos 33, 37, 125, 131; Gray, *Letters*, 151; Lynch, M, 'A royal progress' (forthcoming). He attempted to obtain horses from various sources: the duc de Guise (despite the entreaties of the kirk), Colville, *Letters*, 5-7; Elizabeth, *CSP Scot*, viii, nos 297, 302; and Archibald Douglas, *CBP*, i, nos 509, 582.

<sup>167</sup> *CBP*, i, nos 309, 921; *CSP Scot*, x, no 430; *DNB*, xxvi, 144; *Historie of James the Sext*, 158; Watson, G, *Border Reivers* (reprint edn., Alnwick, 1994), 112.

<sup>168</sup> SRO, PS1/57, ff. 80r&v.



### gauger general, visitor and marker of barrels (1589-91)

In 1589, a month prior to James VI leaving for Denmark, Francis Stewart was granted a new household office. While the grant could be seen as part of the rehabilitation of Francis following his involvement in the Brig o' Dee affair, it also had a more practical side.

James had been attempting to tighten up the administration of duties concerning salmon, herring and white fish. Initially he had appointed two Edinburgh merchants - William McCartney and John Boyd - to the position, however, through a lack of diligence and negligence of their duties (and, no doubt, the fact that McCartney died) the post had never been successfully carried out, and as a result, fishing was as unregulated as before. James felt the need to appoint a member of his council to oversee the administration.<sup>169</sup>

Francis Stewart already had responsibilities for collecting the white fish duty through his position as admiral.<sup>170</sup> It is likely that those who operated for the admiral in other matters in the localities also took on the responsibility for collecting the dues owed. Though figures for the 1580s are lacking, in 1598, the office paid to the treasury '1120 dry killings' and by 1633 this amounted to £1,200.<sup>171</sup> His appointment as gauger general augmented his responsibilities and rationalised the administration at sea ports. Bothwell was to receive £100 per annum for his duties (a figure of £500 in the initial grant was amended) and also half of the fines for non-conformity with statute (the other half going to the treasury).

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<sup>169</sup> PS1/60 f. 63r. Boyd continued to act as gauger for the burghs under Bothwell.

<sup>170</sup> see above, page 276.

<sup>171</sup> Rosc, D M (ed.), *Revenue of the Scottish Crown, 1681*, by Sir William Purves (Edinburgh, 1897), 93-4.



## assistant governor (1589)

The administration of Scotland during James's absence in Norway and Denmark has been a badly neglected subject.<sup>172</sup> On 22 October 1589, James VI followed the example of his grandfather and sailed abroad in order to bring home his bride. Unlike James V, who had given the country four months to prepare for his absence,<sup>173</sup> James VI's actions were hastily conceived, rapidly prepared, and remained secret until almost the moment of his setting sail.<sup>174</sup> The details for administration of the country, which some have considered a master piece of political judgement and counter-balancing of factions,<sup>175</sup> were an *ad hoc* provision of 'foxes guarding geese'.<sup>176</sup> The three most recent general histories of Scotland have treated the period in different ways: the first simply notes, 'The impatient bridegroom embarked at Leith on 22 October and married Anne in Oslo on 23 November. They travelled to Kronborg at the end of the year and remained in Denmark until April. They landed at Leith on 1 May 1590';<sup>177</sup> the second examines the period only as part of a continuum of royal administration in the 1580s and 1590s;<sup>178</sup> and the third ignores the period entirely.<sup>179</sup> Even works which specifically relate to the reign of James VI are more interested in the king's 'Leander-like' voyage, than the concerns he left at home.<sup>180</sup> Such neglect of, admittedly, a fairly short period of James VI's

<sup>172</sup> For details of Anna's attempts to reach Scotland and the reasons behind James's voyage to Denmark, see Riis, T, *Should Auld Acquaintance be Forgot: Scottish-Danish Relations*, 2 vols (Odense, 1988), i, 264.

<sup>173</sup> The marriage of James V to Madeleine Valois was finally approved in March 1536. James set sail for France near the end of July, Donaldson, *James V to James VII*, 48-9.

<sup>174</sup> *CSP Scot*, x, no 251.

<sup>175</sup> Lee, *Maitland*, 202-3; McElwee, *Wisest Fool*, 65; Williams, *Anne of Denmark*, 19.

<sup>176</sup> HMC, *Marquis of Salisbury*, iii, 442.

<sup>177</sup> Donaldson, *James V to James VII*, 186.

<sup>178</sup> Wormald, *Court, Kirk and Community*, 151.

<sup>179</sup> Lynch, M, *Scotland: A New History* (London, 1991).

<sup>180</sup> McElwee considers James showed 'his instinct to relax and leave the tiresome threads of Scottish government to be picked up later', McElwee, *Wisest Fool*, 65. Stevenson concentrates all his effort on the physical marriage details and, as a consequence, spends little time discussing of the political administration of the country during the king's absence, Stevenson, *Scotland's Last Royal Wedding* (Edinburgh, 1997), *passim*. Geoffrey Watson, in the one book which specifically deals with Francis

reign is unfortunate. Does the king's ability to leave the realm, with a number of his chief counsellors, demonstrate great strength and confidence? Or, on the other hand, does it betray the actions of a monarch concentrating only on the short-term? Was James a man unprepared, or unwilling, to consider the long-term consequences of his actions, due to the attractiveness of the immediate course and, as a result, a man forced to take expedient measures to limit the damage which could ultimately be sustained?

Francis Stewart had been relatively quiet on the national scene following the collapse of the Brig o' Dee rising in May 1589. Although detained by the government in various Lothian strongholds, he had had considerable freedom of association and had continued to fulfil his obligations as earl, sheriff, provost and admiral.<sup>181</sup> By the end of the summer, he had been formally released and was back in favour at court, although not considered one of those 'well affected' to England.<sup>182</sup> On 31 August he was ordered to prepare a fleet of five or six ships in order to receive the queen when she entered Scottish waters.<sup>183</sup> A fortnight later, on 12 September, lord Dingwall arrived from Norway to announce that the queen had left port on the first of the month and was heading for the Scottish coast.<sup>184</sup>

As the proposed date of the wedding ceremony (20 September) grew nearer, James VI grew increasingly anxious concerning the arrival of Anna from Denmark.<sup>185</sup> Although a decision was taken to postpone the ceremony,<sup>186</sup> the pace of the preparations was not relaxed.<sup>187</sup> In order to pay for the ceremonials, James instructed immediate payment of a burghal tax of

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Stewart in this period, gives his assistant governorship three short paragraphs, Watson, *Bothwell and the Witches*, 66-7.

<sup>181</sup> HMC, *Marquis of Salisbury*, iii, 429.

<sup>182</sup> *CSP Scot*, x, no 204.

<sup>183</sup> *ibid.*, no 201.

<sup>184</sup> *Calderwood*, v, 59; *CSP Scot*, x, no 213.

<sup>185</sup> *CSP Scot*, x, no 203.

<sup>186</sup> *CBP*, i, no 652.

<sup>187</sup> *CSP Scot*, x, nos 209, 218, 219, 248; Moysie, *Memoirs*, 79; Stuart, J (ed.), 'The Straloch papers', *Spalding Club Miscellany*, i, 3; *RPC*, iv, 411-2.



£20,000, under pain of treason,<sup>188</sup> and also secured a 'loan' of a further £20,000 from Elizabeth.<sup>189</sup>

Bothwell spent considerable sums on the wedding preparations - a fact James could not fail to notice. As part of the preparations, the earl instructed the lairds of Mangerton, Whithaugh and Braidlie to hunt for three days in order to provide venison from Liddesdale for the king's banquet-table.<sup>190</sup> The earl's rehabilitation was complete and at a time when James was 'dissatisfied with the greatest part of his council'.<sup>191</sup>

James, by now, unable to understand or control events, ordered a day of public fasting for his absent queen and retired from the capital - and a swollen court - to Craigmillar.<sup>192</sup> Preparations still continued for the queen's arrival: as soon as the Danish ships were sighted in the Forth, the earl Bothwell, the lords Seton and Dingwall, and Peter Young were to prepare to go aboard and greet the queen.<sup>193</sup> Following speeches of welcome, the Danish party was then to board small boats and head to the shore.<sup>194</sup> The first boat was to contain the queen, the earl Marischal, the Danish ambassador and Bothwell.<sup>195</sup> While such an arrangement would seem logical merely in terms of precedence (and by the fact Bothwell had some knowledge of French - the language Anna had learnt to meet her husband), it also had a deeper symmetry. Anna was to be escorted ashore by her proxy husband (Marischal) and the two admirals. Peter Munck, the principal ambassador, was also the Danish admiral, and had been responsible for the queen's safe passage across the sea. Within Scottish territorial waters, it was the Scottish

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<sup>188</sup> *RPC*, iv, 411-2. Edinburgh town council 'freely and voluntarily' returned a jewel to James which he had previously used as security for a loan and Thomas Foulis, the king's goldsmith, did likewise, *RPC*, iv, 420-1.

<sup>189</sup> *HMC, Marquis of Salisbury*, iii, 430.

<sup>190</sup> *CBP*, i, no 652. As a result, he was one of the nobility considered likely to attend the marriage service, *CSP Scot*, x, no 222.

<sup>191</sup> Melville, *Memoirs*, 328. On 16 October, James granted a charter confirming John Stewart, Bothwell's son, as commendator of Coldingham, *SRO*, PS1/60, 75v.

<sup>192</sup> *CSP Scot*, x, no 224.

<sup>193</sup> *Calderwood*, v, 60-4; *CSP Scot*, x, no 265. In the second source, Robert Melville is given as one of the boarding party, instead of Dingwall.

<sup>194</sup> *Calderwood*, v, 60-4; *CSP Scot*, x, no 265.

<sup>195</sup> *Calderwood*, v, 60-4.



admiral, who had jurisdiction and, as such, it was Bothwell who was responsible for conveying the queen to her new husband. While such 'responsibility' could be viewed as purely formal, it was also taken extremely seriously: Bothwell was expected to escort Anna only to the head of the stone steps onto Leith dock. At this point she would cross over the flood-mark and out of the admiral's jurisdiction. At the head of the stairs Anna would be met by the massed nobility and their ladies of the realm and then conveyed to the king by Marischal, who had remained constantly at her right hand side.<sup>196</sup> After another round of speeches James was to convey Anna, through a covered walkway, to her lodgings - The King's Wark - a building which encompassed the customs house, visiting ambassador's lodgings and, possibly, earl Bothwell's own lodgings when he resided in Leith.<sup>197</sup>

By the beginning of October it was clear that something had gone badly wrong - James consoled himself by writing love poetry and directed a letter to 'the queen of Scotland in Norway' stating his agitation and fears.<sup>198</sup> On 10 October, definite news of the queen's convoy arrived and with it came the prospect that James would not see his bride until the spring winds.<sup>199</sup> James required a more palatable alternative and proposed to send his cousin, again in his capacity as admiral, to bring home the bride.<sup>200</sup> A royal order was sent to the coastal towns of Fife, Dundee and other places, for provision of ships and mariners.<sup>201</sup> Bothwell responded quickly and prepared an estimate of the total cost for the journey, which he presented to the king the next day. The estimate, which must have been close to £10,000 (if not more) was

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<sup>196</sup> *Calderwood*, v, 60-4.

<sup>197</sup> Moysie, *Memoirs*, 83.

<sup>198</sup> Cameron (ed.), *Warrender Papers*, ii, 109-10; Willson, *James VI & I*, 89; Bingham, *James VI of Scotland*, 120; Wescott, *New Poems by James I of England*, 24.

<sup>199</sup> *CSP Scot*, x, no 236.

<sup>200</sup> It was quite normal for the admiral to undertake responsibility for royal consorts: in 1449, William Sinclair, earl of Orkney, had been sent to bring Mary of Gueldres to James II, *ER*, v, 73-9 (I am grateful to Dr Barbara Crawford, University of St Andrews, for this information); in 1491, Patrick, first earl Bothwell, had been sent to France to conduct marriage negotiations for James IV, see page 00; and, in 1501, despite his pro-French leanings, he acted as proxy for James IV during his marriage to Margaret Tudor, see page 50-1.

<sup>201</sup> *CSP Scot*, x, no 238.

considered excessive and a variety of other lords, notably Maitland, 'volunteered' to provide a fleet to bring the queen home.<sup>202</sup> It appears that, over the next week, Bothwell was still considered as the most likely candidate to lead the convoy, however, an untimely (or political) illness forced another change of plan, at which Bothwell was 'malcontent'.<sup>203</sup> From this point, James had one idea in his mind - to cross the sea himself and bring home his bride. If the English agents at the Scottish court are to be believed, this aspect of the voyage was kept a secret until the very last moment. From the Scottish perspective however, a number of people must have known, fairly early on, that the king intended to leave the realm: Bothwell and Lennox were two of the privy council who constantly petitioned the king for a full disclosure of his intentions and Bothwell even threatened that, if the king left, he would openly enter England with fire and sword.<sup>204</sup> It was a threat the English ambassador took more seriously than it deserved - it must be considered that this was a final throw of the dice in an effort to keep the king at home.

James's final intentions, however, were far from clear - least of all to himself. He stated that he intended to be absent for only twenty days and wished for 'universal peace and quietness throughout his whole realm' during this period.<sup>205</sup> The taking of 300 people, six ships, considerable money and provisions and the great and privy seals, might indicate that the published intentions were questionable when subject to closer scrutiny.<sup>206</sup> When James ordered the realm to serve the government in four quarters, each serving twenty days, he marked an

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<sup>202</sup> HMC, *Marquis of Salisbury*, iii, 432. The estimate of cost has not survived, but in 1590, Aberdeen council spent £2,133 on a ship to bring James and his bride home, Stuart, J (ed.), 'Summons against the magistrates of Aberdeen', *Spalding Club Miscellany*, iii, 352. Robert Jameson, burgess of Ayr, similarly received £1,000 for provision of his ship, 'The James Royal', to retrieve the married couple. This represented the contributions from Ayr, Irvine, Rothesay, Dumbarton, Renfrew, Rutherglen, Glasgow, Lanark, Lauder, Peebles, Selkirk, Jedburgh, Dumfries, Kirkcudbright, Whithorn and Wigtown, SRO, RD1/32, 428.

<sup>203</sup> *CSP Scot*, x, nos 243, 247. This turn of events may explain Spottiswoode's assertion that, Bothwell took a long time to commit himself to the voyage and, as a result, James was forced to call a council and have them 'volunteer' to go, Spottiswoode, *History*, ii, 400.

<sup>204</sup> HMC, *Marquis of Salisbury*, iii, 432.

<sup>205</sup> *CSP Scot*, x, no 249; *RPC*, iv, 422-3, 427-9; Craig (ed.), *Marriage Papers*, 12-16.

<sup>206</sup> *RPC*, iv, 421; Calderwood, v, 67; *CSP Scot*, x, no 262. See also SRO, GD446/39/2.



intention to be away longer than just the first quarter.<sup>207</sup> While the English ambassador may have swallowed the king's rhetoric, sufficient people at home knew it to be a grand deception from the outset. It was also a considerable risk - to put to sea in late October. Fowler considered 'I never thought the chancellor such a fool to enterprise so great a danger'.<sup>208</sup>

Unlike the king's intentions, the provision of interim government was clear: the fifteen year old Lennox was to be viceroy or governor, and he was to be assisted by Bothwell (Moysie states Bothwell was 'co-adjutor' for Lennox - normally, used in an ecclesiastical context to indicate who had nominal authority and who, in reality, controlled the situation);<sup>209</sup> Hamilton was to have the lieutenancy of the border, and operate with his own council;<sup>210</sup> Robert Bruce, minister of St Giles, with close co-operation from the provost of Edinburgh, was to have a watching brief;<sup>211</sup> and a variety of other lords and officials were to continue to perform functions of government.<sup>212</sup> Elizabeth, the English administration, the English ambassador in Edinburgh and, doubtless, quite a few Scots were not only concerned but deeply worried about the provision of government.<sup>213</sup>

The choice of Bothwell for such a position of influence puzzled contemporaries and generations of historians since.<sup>214</sup> Thomas Fowler, was so scared of Bothwell, he entered into Edinburgh Castle for his own safety;<sup>215</sup> Burghley was content that Hamilton had a rôle on the

<sup>207</sup> Craig (ed.), *Marriage Papers*, 3-11; *CSP Scot*, x, no 255; *RPC*, iv, 424-7; *Warrender Papers*, ii, 110-3.

<sup>208</sup> HMC, *Marquis of Salisbury*, iii, 432.

<sup>209</sup> Moysie, *Memoirs*, 80; *Historie*, 241.

<sup>210</sup> During the period of absence of the king, four raids were noted to have occurred by occupants of the Scottish west march, *CBP*, i, no 681.

<sup>211</sup> SRO, PS1/60, 68r; GD1/240/1-4; MacDonald, *Ecclesiastical Politics*, 57, 241. He was not, as Dunlop claims, the 'effective regent' when James sailed for Denmark, Dunlop, A I, *The Kirks of Edinburgh* (SRS, 1989), 20.

<sup>212</sup> *CSP Scot*, x, no 255; *RPC*, iv, 424-7; v, p. xlv; Craig (ed.), *Marriage Papers*, 3-11; Cameron (ed.), *Warrender Papers*, ii, 110-3; Calderwood, v, 67; Spottiswoode, *History*, ii, 404; Zulager, *Middle-rank administrators*, 276. These instructions had not been discussed with the relevant parties beforehand: lord Hamilton only accepted the lieutenancy of the border on 7 November, *RPC*, iv, 432-3.

<sup>213</sup> *CSP Scot*, x, nos 260, 261, 311; HMC, *Marquis of Salisbury*, iii, 446.

<sup>214</sup> For one possible explanation, see *Appendix 10*.

<sup>215</sup> *CSP Scot*, x, no 258.



border, but sorry that the council was in the hands of Lennox and Bothwell;<sup>216</sup> Elizabeth herself commented that Lennox was too young for responsibility and that government should not be placed in the hands of 'one no more constant than the earl Bothwell'.<sup>217</sup> The only reasonable alternative as assistant governor, John, earl of Mar, was, however, considered too honest, too partial to England, too unpopular and with too little public support or following.<sup>218</sup> Certainly Bothwell was considered to be the dominant partner in the relationship, although both were constrained by the power of the council.<sup>219</sup> Asheby, however, possibly had the most accurate analysis of the king's reasoning:

Bothwell is able to offend more than any subject in Scotland, for his place and birth and the offices he bears, beside an able and undertaking man...without him the malcontents dare nothing, so as the winning of him will be the bridle of the rest; he makes great promises to do offices to her majesty, seeing her gracious dealing and motherly care she has of the king; it appears the said earl means faithfully<sup>220</sup>

Of modern historians, Willson, dismissing Asheby and agreeing with Fowler, considered Bothwell's 'wild and unstable temper' made him a strange choice.<sup>221</sup> Bevan also considered him 'unstable' and 'fiery'<sup>222</sup> and unsuitable. Lee argued that James felt that although the 'administration of the country might suffer in the chancellor's absence, this was preferable to having him assassinated while the king was not there to protect him'.<sup>223</sup> Bingham agreed: Maitland required to be 'protected...from the enmity of Huntly and the pro-catholic contingent and from...that of Bothwell'.<sup>224</sup> In the situation, 'there was nothing else to do but to entrust the government to the nobility'.<sup>225</sup> At the other end of the interpretative scale, Williams felt James

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<sup>216</sup> *CSP Scot*, x, no 260.

<sup>217</sup> *ibid.*, no 261.

<sup>218</sup> Elder, *Spanish Influences in Scottish History*, 135.

<sup>219</sup> HMC, *Marquis of Salisbury*, iii, 442. In a letter to Bothwell, Lennox signed preceded his signature with: 'I engage my faith and honour to your lordship and the world during life', *CSP Scot*, x, no 355.

<sup>220</sup> *CSP Scot*, x, no 276.

<sup>221</sup> Willson, *James VI & I*, 90.

<sup>222</sup> Bevan, *King James VI & I*, 42.

<sup>223</sup> Lee, *Maitland*, 202.

<sup>224</sup> Bingham, *James VI*, 119-20.

<sup>225</sup> Lee, *Maitland*, 202.

left Lennox, Bothwell and Hamilton in control as he knew 'it would be dangerous to leave the chancellor in Scotland to his own devices'.<sup>226</sup>

James had taken some precautions to ensure, as much as possible, the smooth running of operations while he was absent: he had written to the Scottish and English wardens requesting they keep order;<sup>227</sup> he had guaranteed succession for the heirs of any public servants not returning from the voyage;<sup>228</sup> he had sought a truce in the feud between Bothwell and Home;<sup>229</sup> had granted Bothwell a number of confirmations and minor grants;<sup>230</sup> he had ameliorated the church with a couple of highly significant concessions;<sup>231</sup> he had made provision for the return of responsibility for collection of burgh fermes to the comptroller;<sup>232</sup> and he appears to have asked the northern lords to provide bonds or promises of good behaviour.<sup>233</sup> On 23 October, when the interim privy council sat down to business, it did so not knowing what to set out to achieve, short of holding the disparate realm together until the king returned.<sup>234</sup>

The period of James's absence must be considered from two standpoints: achievable governmental success and Bothwell's personal agenda. What James would consider to be to the benefit of the realm was not, necessarily, what Francis Stewart considered to be in his own best interests.

<sup>226</sup> Williams, *Anne of Denmark*, 18-19.

<sup>227</sup> SRO, GD406/1/8379; *CSP Scot*, x, no 253; *CBP*, i, no 653. Lord Maxwell had, as recently as 12 September, been released from Edinburgh Castle on a bond of good behaviour valued at £100,000, *RPC*, iv, 412; *Calderwood*, v, 59.

<sup>228</sup> *RPC*, iv, 421-3.

<sup>229</sup> *ibid.*, 422-3.

<sup>230</sup> SRO, PS1/60, 65v, 74v, 75v.

<sup>231</sup> *RPC*, iv, 419-20; *Calderwood*, v, 64-7; MacDonald, *Ecclesiastical Politics*, 59-60.

<sup>232</sup> *RPC*, iv, 416. There is insufficient data for the period 1580-88 to assess whether this was to the benefit of the burghs or not but, if the burgh fermes were similar to other known feudal casualties, it would seem likely, c.f. SRO, E2/67 *passim*. Another alternative is that when the ferme rights expired on 30 October, the interim council did not have the authority to renew them.

<sup>233</sup> *CSP Scot*, x, app., nos 2, 11.

<sup>234</sup> *CSP Scot*, x, no 262. James had initially left on the 22nd, however storms kept him off the Fife coast until the 25th. He reached Norway on the 28th. For further discussion on the date of departure, see Williams, *Anne of Denmark*, 20; Willson, *James VI & I*, 89; Bevan, *King James VI & I*, 41; Riis, *Should Auld Acquaintance be Forgot*, i, 265. This was the first time Bothwell had been recorded in the sederunt of council since March, *RPC*, iv, *passim*.



In Scottish terms, the problems facing the interim government of 1589 were the ones that had been facing every ruler since the reformation. Firstly, international relations with England had to be handled delicately, which meant strong control on the border and on the high seas; secondly, any threat from dissident factions - most notably the northern earls - had to be dealt with firmly (especially if there were implications on the wider stage - such as support for Elizabeth's Irish rebels); thirdly, internal feuding, between recognised local power blocks had to be contained; fourthly, vociferous ministers who encouraged public disquiet had to be kept in line; finally, the burghs and, more generally, the landowners had to be persuaded to part with their due rents, after a period of particularly high taxation and debasement of the coinage. On top of all these specific problems, day to day administration had to continue seamlessly and equably.

Bothwell's problems were more immediate. His support of the northern earls earlier in the year had compromised his position in various areas. Politically, Bothwell was in danger of being isolated: the pro-Spanish faction, headed by Huntly, was not in a position to offer support, and the pro-English faction had been extremely suspicious of the earl since his impassioned response to the execution of his god-mother in 1587. The support of the kirk, which, initially, the earl had been careful to cultivate, had become increasingly lukewarm. Even James VI was developing a mature court around himself, and was less dependent on the associates and clients of any one faction. Although, territorially, Bothwell's earldom was at its apogée, in terms of authority, he was at a cross-roads. The earl required time to consolidate his position and renew his local and national influence.

The first step in Bothwell's process of consolidation was a realignment of his political loyalty. Prior to February 1587, Francis Stewart had personally pursued a policy which was generally pro-English, although, in reality, only when the political situation suited. In that way, he closely mirrored the policy of the Scottish state. After February 1587, and for reasons



which were perfectly understandable, Bothwell distanced himself from the pro-English party. This still managed to accurately reflect the uncertainty of the state policy. The reverse Bothwell attempted to execute in October 1589 was equally understandable - the gambit of open rebellion had failed and future preferment rested on aligning with not only state policy but also the pro-English party.

Bothwell had been in consultation with Asheby, the English ambassador, for some time prior to his elevation to assistant governorship, partly because of his office as admiral and partly for personal motives.<sup>235</sup> Prior to the departure of the king, on 22 October, the earl made a formal approach to the English ambassador. Asheby noted that Bothwell was ready to embrace Elizabeth's service and was desirous to know how he could be of assistance to the queen. The ambassador, however, continued to be cautious. He knew that the English administration still greatly feared the 'papists and that faction'. Indeed, Burghley had already employed Asheby to deal secretly with the pro-English members of the governing council to ensure internal security for both realms.<sup>236</sup>

Bothwell and Lennox, unaware they were being undermined from London, carried out their duties with admirable thoroughness. They showed respect to their office, carried themselves with suitable gravity, frequented sermons and offered good services to the English queen. As far as Bothwell was concerned, such courtesy served two purposes: it was the rôle he had been assigned but it was also a major step towards his personal political and religious

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<sup>235</sup> One of these motives was Thomas Fowler, an English agent in Edinburgh. Bothwell, along with Asheby and his servant, Wigmore, pursued a private vendetta against Fowler, for which Asheby was ultimately recalled. For details see, *CSP Scot*, x, nos 264, 275, 300, 311; HMC, *Marquis of Salisbury*, iii, 442, 445, 446. Another reason for contact between Bothwell and the ambassador was Francis Dacre, an English malcontent, who had entered Scotland through Liddesdale and was supported by Bothwell and Maxwell. Dacre was introduced to James but, as the king did not reply to his petition, he gradually reconciled himself to the English authorities, *CSP Scot*, x, nos 220, 222, 224, 238, 246, 257; HMC, *Marquis of Salisbury*, iii, 442; Loomie, A J, *The Spanish Elizabethans: the English Exiles at the Court of Philip II* (New York, 1963), 247.

<sup>236</sup> *CSP Scot*, x, nos 254, 261.

rehabilitation. Even when provoked, the earl seems to have acted with considerable restraint to the satisfaction of all except his staunchest detractors, such as Fowler.<sup>237</sup>

The period of assistant governorship marked a significant increase in the contact between Bothwell and the agents of England. In the past, any contact had concerned border raids, admiralty affairs or personal preferment and aggrandisement and had demonstrated Bothwell mainly in a negative light. Now, Bothwell was an official representative of the crown and, as such, was expected to represent not only his own views but those of the absent monarch. Such views were communicated to the English ambassadors - firstly Asheby and then Bowes - on an almost daily basis and Bothwell now had first-hand access to English governmental channels for diplomatic correspondence as well as matters of a more personal nature.<sup>238</sup> He started informing the English administration of suspected catholic plots almost immediately.<sup>239</sup> At the same time, he continued to utilise his own considerable communications network and contacts in London, particularly Archibald and Richard Douglas.<sup>240</sup> Bothwell's information network was extensive, Hay noting: 'always the earl Bothwell...knows best what is intended every way.'<sup>241</sup>

On 7 November, Archibald Douglas communicated with Bothwell that Elizabeth had accepted his overtures of friendship and that she would inform him of this by a special letter. Bothwell went to Asheby 'protesting his joy' and offered a range of services on the queen's behalf. One of these was to assist in the uncovering of Spaniards, although the matter was considered so delicate that it could be transmitted south only by the word-of-mouth of the messenger.<sup>242</sup> From Asheby's evidence, it would appear Bothwell, initially at least, believed he

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<sup>237</sup> *CSP Scot*, x, no 262.

<sup>238</sup> John Colville was considered a 'trusty and secret' messenger, *CSP Scot*, x, no 307.

<sup>239</sup> *CSP Scot*, x, no 273.

<sup>240</sup> *ibid.*, no 270; HMC, *Marquis of Salisbury*, iv, 11.

<sup>241</sup> *CSP Scot*, x, no 294.

<sup>242</sup> *ibid.*, no 273.



had achieved reconciliation with Elizabeth and that greater demonstrations of goodwill and favour would follow. They did. On 15 November, the queen promised to

remove all former jealousies she had conceived of the coldness of his affection and devotion to her, assuring herself that a man of his wit and birth, and protesting to be as devoted to the king as he does, would think no course more honourable than that of England.<sup>243</sup>

For his part too, Walsingham promised to advance the earl's cause 'in respect of the honour he received of Bothwell when he was in Scotland'.<sup>244</sup> Bothwell had powerful friends at the English court, and the opportunity to utilise them now seemed to present itself.<sup>245</sup> From the English government's point of view, however, Bothwell was very much still on trial - he may have been able to promise fair words, but he would be judged on his actions alone and it would take time to establish whether Bothwell was truly consistently favourable to the English cause.<sup>246</sup> The letter to Bothwell from Elizabeth, when it came, was less conciliatory than the earl had anticipated. Although Bothwell protested his satisfaction with the letter, it dwelt rather too heavily on the past and it required a quick patch-up job by the ambassador not to antagonise the earl further.<sup>247</sup> The English government also found it difficult to appreciate fully the nature of precedence and power in Scotland in the winter of 1589/90. A letter to the council was left unaddressed so that Asheby could decide whether it should go to Lennox or Hamilton - whoever ranked first.<sup>248</sup>

In the middle of December, Asheby was replaced by Robert Bowes as Elizabeth's ambassador to the Scottish court. Bowes, the treasurer of Berwick, was well known to both

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<sup>243</sup> *CSP Scot*, x, no 278.

<sup>244</sup> *ibid.*, no 278.

<sup>245</sup> *ibid.*, no 287. Besides Walsingham, Bothwell also corresponded with Burghley, the treasurer; Howard, the admiral; and Hunsdon, the chamberlain.

<sup>246</sup> *CSP Scot*, x, no 288.

<sup>247</sup> *CSP Scot*, x, nos 293, 301. Asheby had hinted to the earl that 'some real entertainment' might be forth-coming, *ibid.*, no 296. Hay had recommended that if Bothwell received such material entertainment he might be kept 'in temper' and so cause 'less danger', *ibid.*, no 294. The queen later recognised that some of her charges may have been too harsh, *ibid.*, no 350.

<sup>248</sup> *CSP Scot*, x, no 301. In council, Lennox ranked first, then Hamilton, then Bothwell, see *RPC*, iv, 437. On one occasion, Angus ranked above Bothwell, *ibid.*, 452. In a letter from the privy council to Elizabeth, in January 1590, Bothwell signed above Hamilton and Lennox, *CSP Scot*, x, no 347.



Bothwell and Lennox and reputed to be disliked by them, as he tended to favour Hamilton.<sup>249</sup>

Rumours were still strong that English forces were mustering on the border.<sup>250</sup> Part of Bowes's mission was to secretly approach Hamilton to see how Bothwell may be persuaded to constantly join with the well-affected lords. The directions went so far as to state that whatever Hamilton advised, Bowes was to implement.<sup>251</sup>

Yule and the month of January were a relatively quiet period. Although Bothwell was known to be in Edinburgh, he is not recorded in any of the remaining council sederunts.<sup>252</sup> This did not mean he was not involved in governmental affairs. The inhabitants of Edinburgh, encouraged by Robert Bruce, mustered upon rumour that a catholic plot was threatened. Lennox and Bothwell admonished them for their bearing arms but they retorted it was one of their burghal privileges.<sup>253</sup> The townspeople appear to have maintained their nightly guard for a month, whereupon they got bored and collectively stood down.<sup>254</sup> Bothwell remained in active communication with London,<sup>255</sup> but also had personal concerns to deal with: Wauchope of Niddry, a 'wicked and insolent man' and one of his retainers, killed a dependant of the abbot of Holyrood;<sup>256</sup> David Sinclair of Blans, one of his long-term deputies and associates, was put to the horn for non-payment of debts;<sup>257</sup> there was a dispute over the sheriff court books of Berwick;<sup>258</sup> and Margaret Douglas, the earl's wife, gave birth to a second

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<sup>249</sup> *CSP Scot*, x, nos 322, 327, 349. The lords and Bowes were soon reconciled, HMC, *Marquis of Salisbury*, iii, 454.

<sup>250</sup> *CSP Scot*, x, no 322.

<sup>251</sup> *ibid.*, nos 306, 307.

<sup>252</sup> *RPC*, iv, 449-50.

<sup>253</sup> *Calderwood*, v, 70-1. Bothwell was still considered the best route of access to the king by some of the Spanish faction, SRO, GD1/371/3, 87, 24th January 1589/90.

<sup>254</sup> *CSP Scot*, x, app. no 4.

<sup>255</sup> HMC, *Marquis of Salisbury*, iv, 3; *CSP Scot*, x, no 347. Richard Douglas was to act as the earl's agent in communication with the other administrators.

<sup>256</sup> *Calderwood*, v, 71; Spottiswoode, *History*, ii, 405-6.

<sup>257</sup> *RPC*, iv, 451.

<sup>258</sup> *Laing Charters*, no 1197. The matter was settled through arbitration on 3 February 1590.

daughter.<sup>259</sup> Outside the capital, on 5 January, a Spanish barque appeared off Whithorn<sup>260</sup> and, on 31 January, Ker of Ferniehurst with 100 men raided Tynedale in England.<sup>261</sup>

The matter of the Spanish barque rumbled on throughout the late winter and early spring. The Spanish threat to Scotland was normally incorporeal - with the arrival of the barque, rumours flew round that a sizeable Spanish force was planning to land in Scotland, England, or Ireland in March, April, May - or not at all.<sup>262</sup> It was not the first time the barque had been in Scottish waters: the previous year it had plied the North Sea and the crew had been entertained by the laird of Barns, an associate of Bothwell, and the earl of Orkney, Bothwell's uncle.<sup>263</sup> The commendator of Blantyre, and the lairds of Bambarroch and Lochinvar were sent south to arrest the crew. Don Alvarez de Merida, the captain, James Colville, the pilot (and a servitor of Bothwell's), and Hugh Hare of Waterford, a passenger, were taken to Edinburgh for questioning.<sup>264</sup> They revealed that they had already contacted lord Maxwell and that they carried letters from the Marquis de Cerralbo to earl Bothwell. (The letters were later found to be fake).<sup>265</sup> These offered the earl 200,000 ducats if he converted to the Spanish cause.<sup>266</sup> For a short time, the council and Bothwell were in conflict. The council wanted the ship to be left in the custody of Blantyre and Bambarroch and taken to Glasgow; Bothwell, as admiral, felt he should have custody of the ship, her furniture, her crew and her officers.<sup>267</sup> Bowes, recognising the delicacy of the situation, had only just reconciled the earl to the

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<sup>259</sup> It is possible that the earl's appearance in Coldingham to witness (or, more properly, instigate) his son's grant of the lands of Horsley to George Home of Priorsknowe (a servitor of James VI) coincided with the lying in period for his wife, HMC, *Fifth Report*, 648. The child's birth had occurred by 7 February, *CSP Scot*, x, app. no 4.

<sup>260</sup> Anderson, *Robert Stewart*, 118.

<sup>261</sup> *CSP Scot*, x, app. no 7.

<sup>262</sup> *CSP Scot*, x, nos 311, 365; app. nos 3, 4; HMC, *Marquis of Salisbury*, iii, 446.

<sup>263</sup> For fuller discussion of the history of the barque, see Anderson, *Robert Stewart*, 118-28.

<sup>264</sup> *CSP Scot*, x, app. no 2.

<sup>265</sup> *CSP Scot*, x, no 393.

<sup>266</sup> *ibid.*, no 354; *CSP Scot*, x, app. no 2. The Spaniards claimed they were attempting to take the pilot's wife back to Spain, along with some provisions. Their other mission was to recruit Scottish pilots at 30 ducats a month.

<sup>267</sup> *CSP Scot*, x, app. no 4.



council's proposal when the council changed their minds and transferred the custody of the ship to the admiral.<sup>268</sup> Bothwell wrote to the third arresting officer - Lochinvar - and offered him the vice-admiralty of the Solway Coast if he would get the barque back in his possession.<sup>269</sup> Once the ship was in his possession, it was considered unlikely that Bothwell would allow it to escape. He coveted it as it was reported to be 'the most excellent sailed of the world' (a considerable exaggeration).<sup>270</sup> Bothwell immediately interrogated his servant, James Colville, to find out the truth behind the voyage and why the communications were threatening the tense stand-off in Scotland.<sup>271</sup> By March, Bothwell had still not received possession and the barque was harrying shipping in the Irish Sea.<sup>272</sup> The earl, reportedly, sought to disburden himself of the responsibility of securing it. Bowes dissuaded him, and added such action would damage his honour.<sup>273</sup> As a result, within a month, the situation had been resolved: the Spanish barque lay off the Isle of May in the Firth of Forth; the captain was held more securely; the crew were discharged; James Colville had been sent to James VI for examination; and Bothwell had the ship and its furniture as a prize.<sup>274</sup> As Bothwell commented, the situation had resolved itself as a result of patience - the ship was short of a pilot, crew, and victual; it was a 'matter which could not have been resolved through force'.<sup>275</sup>

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<sup>268</sup> *CSP Scot*, x, app. no 4. See also Rymer (ed.), *Fœdera*, xvi, 3b.

<sup>269</sup> This was to prove easier than anticipated as the lieutenant of the vessel was then lodging with Lochinvar and so easily acquired, *CSP Scot*, x, app. no 13.

<sup>270</sup> *CSP Scot*, x, no 354. As to the exaggeration, Bowes called it 'the little barque', *ibid.*, app., no 2, and Wigmore himself reported it carried a crew of fifty and five brass guns, *ibid.*, no 354.

<sup>271</sup> While it is entirely plausible to see this action as an excuse by Bothwell to enter into secret discussions with his Spanish agent, the fact that it took four interrogation sessions with the captain and the threat (or use) of the boots on Colville in Edinburgh Castle before the required information was extracted must add some credence to the recorded version. Colville was then extradited to Denmark for James VI to personally deal with (where he was sentenced to be beheaded but received remission on promise of confession. Bowes claimed the Spaniards were softly dealt with in order that the Scottish merchants in Spain did not suffer. Initially the captain went to the council willingly, *ibid.*, nos 354, 391; app., no 2.

<sup>272</sup> *ibid.*, no 365.

<sup>273</sup> *ibid.*, app., no 13.

<sup>274</sup> *ibid.*, nos 367, 391.

<sup>275</sup> HMC, *Marquis of Salisbury*, iv, 23; *CSP Scot*, x, no 372.



As winter turned to spring, small-scale border raiding continued into England.<sup>276</sup> While not to the same extent as in 1587, some of the raids were politically explosive as they were undertaken by tenants of Liddesdale.<sup>277</sup> By now, the English government's relationship with Bothwell, while still the subject of careful scrutiny, was more secure. Bowes communicated border problems to the earl and he, in turn, ordered restitution and justice, normally through his depute, Thomas Trotter.<sup>278</sup> (Bowes also ensured he informed Hamilton, the border wardens and the council.)<sup>279</sup> The English ambassador, despite first hand contact, continued to construct fanciful illusions that the continual border raiding had nothing to do with the harsh winter but instead was part of a plot to bring foreign forces into Scotland!<sup>280</sup> From Bothwell's point of view, such a relationship with England, based around illusion, was providing less value than expected: the earl suspected unfavourable intelligence was being transmitted south about him,<sup>281</sup> and he even accused Elizabeth of transmitting this speculation on to James in Denmark. Although Elizabeth denied she had corresponded in anything but the most general terms, and attempted to flatter the earl with references to his place of credit and personal honour, Bothwell was not convinced and wavered in his allegiance to the queen.<sup>282</sup>

March saw an increased tension at the Scottish court as James VI informed his countrymen by letter that he intended to return home and that a convoy of ships should be sent for him. He also included in the letter thinly veiled threats against those responsible for the realm should the situation not be to his satisfaction on his return: 'if Colville and the Spanish be relieved before or after receipt of this letter...whoever of the council consents thereto shall be the first

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<sup>276</sup> *CSP Scot*, x, no 354. Raiding had gone on throughout the period James was away, causing a personal complaint from Elizabeth, *ibid.*, no 301. However, such raiding would appear to have been on a significantly reduced scale from previous years and the border was reported to be quiet, *ibid.*, no 304.

<sup>277</sup> *ibid.*, app., no 7.

<sup>278</sup> *CBP*, i, no 657; *CSP Scot*, x, no 372; app., no 7.

<sup>279</sup> *CBP*, i, nos 657, 658; *CSP Scot*, x, app., no 7.

<sup>280</sup> *CSP Scot*, x, app., no 7.

<sup>281</sup> *ibid.*, no 275.

<sup>282</sup> *ibid.*, no 350. It was also suspected that Elizabeth was receiving secret correspondence out of Denmark, *ibid.*, no 322.

turn I do to put them out of the council as papists and practicers'<sup>283</sup> James's unfavourable impression of the condition of Scotland must have been coloured by a series of highly dubious reports by Bowes, Bruce and others. An embassy by Patrick Galloway, a radical minister, who left on 3 March to complain that 'the country and kirk stands in danger if he is absent a while longer', cannot have helped.<sup>284</sup> With Galloway less than seventy-two hours out to sea, the privy council - influenced, no doubt, by the general assembly then sitting (which the whole council attended)<sup>285</sup> - passed an act giving a series of county lairds authority to suppress jesuits.<sup>286</sup>

Other matters however were more pressing: on 1 March, Francis Stewart attended the baptism of his daughter in Holyrood. It was a glittering occasion and the earl 'exceeded himself in magnificence'.<sup>287</sup> Atholl and Crawford acted as godfathers; the two Lady Setons acted as godmothers and the dowager countess of Moray represented the English queen.<sup>288</sup> In honour of that monarch, the child was named Elizabeth. The feasting and banqueting lasted for three days together with 'great charge and triumph'.<sup>289</sup> The centre-piece of the affair was not the child itself, nor the proud parents - on display throughout the banqueting and feast was a silver gilt ewer and basin presented to Bothwell, on behalf of Elizabeth, by Bowes.<sup>290</sup> The baptismal gift, which had been created and intricately engraved by Thomas Fowlis, the king's goldsmith,<sup>291</sup> weighed 267¾ ounces and cost over £700 Scots (£89 5s sterling).<sup>292</sup> In addition,

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<sup>283</sup> *CSP Scot*, x, no 357.

<sup>284</sup> *ibid.*, no 358.

<sup>285</sup> *CSP Scot*, x, app., no 13.

<sup>286</sup> *RPC*, iv, 463-7; *Calderwood*, v, 37-49, 86-9.

<sup>287</sup> *CSP Scot*, x, no 360.

<sup>288</sup> *ibid.*, no 353; app., nos 4, 13. The countess of Moray, probably through Bothwell's intercession, requested Bowes to pursue a personal suit on her behalf with Elizabeth.

<sup>289</sup> *ibid.*, app., no 13.

<sup>290</sup> *ibid.*, app., no 13.

<sup>291</sup> Fowlis at this time was also providing living expenses and credit facilities for the English ambassador, *ibid.*, app., no 15.

<sup>292</sup> *CSP Scot*, x, app. nos 13, 15. Elizabeth had instructed her ambassador to spend £80 to make 'a great show, though not so much in value', Lemon, R, & Everett Green, M A (edd.), *Calendar of State Papers, Domestic Series, of the Reigns of Edward VI, Mary, Elizabeth, and James I preserved*



Bowes had made smaller gifts to the nurse, midwife, servants, officers and musicians who served at the birth. This represented a further investment of £160 Scots (£20 sterling) by the English administration.<sup>293</sup> Bothwell had received his royal seal of approval from Elizabeth and was flaunting it.

Within a day, however, the earl was brought back to political reality. He received letters from London, among which was one from Elizabeth. Although he publicly pronounced that he was pleased with the queen's letter,<sup>294</sup> it did not contain the 'honourable and frank dealing' he had hoped for and, like the previous letter from the queen, it contained 'nothing but words'.<sup>295</sup> Although Bothwell publicly resolved to continue following the queen's course, in private there were continued doubts as to how profitable this would ultimately be. Richard Douglas informed his uncle in London that although Scotland demonstrated 'an outward show of quietness...there have never been more private dealings'. The holding pattern caused by the king's absence was beginning to break up and all sides were manoeuvring to gain favour when James returned. Worse, the bishop of Derry had arrived in the north and was canvassing highland support for a Scoto-Irish rebellion.<sup>296</sup>

The final month before James returned to Scotland saw the interim government busy with a number of matters to prepare Edinburgh and the royal household for the king and queen: beggars and midden heaps were cleared from the streets; some of the Canongate ports were

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*in the State Papers Department of Her Majesty's Public Record Office*, 12 vols, (London, 1856-72), ii, 643.

<sup>293</sup> *CSP Scot*, x, app., no 15.

<sup>294</sup> *ibid.*, no 360.

<sup>295</sup> *ibid.*, no 353.

<sup>296</sup> *ibid.*, no 360. This caused great consternation amongst the English correspondents; Bothwell promised to gather information and then satisfy the matter. He, eventually, resolved that he could not be taken alive, but could easily be disposed of by means of friends or known Highland mercenaries - an outcome Bowes was not prepared to countenance, *ibid.*, nos 367, 372, 375, 382, 383, 386; *Letters of Colville*, 249; HMC, *Marquis of Salisbury*, iv, 23. Contrary to Bowes, Richard Douglas reported that Bothwell did not want the Bishop of Derry killed as 'he thinks it dishonourable unto him to deliver any man to the butchery', *CSP Scot*, x, no 389 enc.. On 25 April, the Bishop of Derry passed into England, *ibid.*, no 393. Even here, Bowes made a cutting comment, noting that the bishop passed over the Tweed near to Kelso - the implication would not have been lost on his reader.



decorated and guarded; rents and victuals were collected and converted into silver.<sup>297</sup>

Banquets, fireworks and new household liveries, were to be prepared and William Shaw, the master of works, was given a specific remit to redecorate and repair Holyroodhouse.<sup>298</sup> Most alarmingly of all for the interim council, was that James had decreed that a new guard of 200 were to be mustered for his protection. This was despite the fact that James had consistently failed to fund his guard, in the past, and had had to rely on Elizabeth for charitable donations. The new guard was to be under the command of John Carmichael of that ilk, a close kinsman of Maitland, not the master of Glamis and was reputed to be for the chancellor's protection.<sup>299</sup>

In administrative terms, it is both easy to fault the interim government, and difficult to do so. If analysis is undertaken purely as to how the administration conformed to the instructions the king left behind, then Lennox, Bothwell and the council failed markedly. The council did not sit as was intended and, for significant periods of time, did not form a coherent body at all.<sup>300</sup> If however, analysis is undertaken on the basis that it was recognised very early on that the instructions left behind were unworkable, and a different system had to be implemented, then the administration of the realm for the six months of the king's absence must be viewed as a success. The council sat regularly, even though Bothwell and Lennox were not always present,<sup>301</sup> and other lords, such as Angus, Mar and Morton, were summoned for important matters, just as they were when it was the king's council.<sup>302</sup> It is difficult to assess accurately the council attendance as sederunts for the period are sparse and incomplete and attested documents are missing, burnt or were never sent in written form.<sup>303</sup> Generally, the acts of the

<sup>297</sup> *CSP Scot*, x, no 370; Stevenson, *Last Royal Wedding*, 57.

<sup>298</sup> *RPC*, iv, 471.

<sup>299</sup> *CSP Scot*, x, nos 386, 389.

<sup>300</sup> *ibid.*, nos 304, 367; app., no 4.

<sup>301</sup> *RPC*, iv, 432, 433, 435, 441, 445, 457, 459, 460, 463, 477, 478.

<sup>302</sup> For example, *RPC*, iv, 460-9, the rigging out of ships for the king's return.

<sup>303</sup> For example, the council met on 31 October and was recorded by the clerk register. It consisted of Lennox, Bothwell, Master of Glamis, Seton, Newbattle, Robert Melville (acting chancellor), Coldenknowis, Blantyre, Ormiston and Hay (clerk register). This council is, however, not recorded in the register but elsewhere, *CSP Scot*, x, no 263. A letter from Bothwell likewise is recorded elsewhere but is no longer extant (it may, of course, have been destroyed upon receipt), *CBP*, i, no

interim council are striking for their blandness. Most of the matters concerned 'normal business'. Similarly, the acts that passed the great seal were mainly confirmations,<sup>304</sup> although there is one remission for murder,<sup>305</sup> one new grant of resigned church lands,<sup>306</sup> two legitimations<sup>307</sup> and also a grant made by the king in Norway.<sup>308</sup> The acts that passed the privy seal were, likewise, unexceptional: they included escheats, minor appointments, legitimations, ratifications and grants of pensions.<sup>309</sup> Bothwell and Lennox did not abuse their position: Lennox received the gift of one escheat,<sup>310</sup> and Bothwell, did not receive anything personally, although Thomas Cranston, his servitor, received an escheat of the goods of Hugh Sinclair for the non-payment of his part of the £100,000 tax levied for the king's wedding.<sup>311</sup>

Many of the political problems encountered during the six month period over the winter and spring of 1589-90 were long term. A large proportion of them involved legal disputes. Most of them - the lady Foulis witchcraft case,<sup>312</sup> the Gray/Huntly dispute over Dunfermline Abbey,<sup>313</sup> the Maxwell/Douglas dispute over the earldom of Morton,<sup>314</sup> and Huntly's proposed passport to travel abroad<sup>315</sup> were postponed until the return of the king. The one major difficulty during the period came about as a result of a slaughter, in Balquhiddy, by various MacGregors.<sup>316</sup> On 4 February, a wide-ranging commission against the MacGregors was granted to Huntly,

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657. Richard Douglas was unwilling to commit his discussions for Bothwell to paper, HMC, *Marquis of Salisbury*, iii, 401 [misdated 1588/89].

<sup>304</sup> *RMS*, v, nos 1715-6, 1718-21, 1723-4.

<sup>305</sup> *ibid.*, no 1713.

<sup>306</sup> *ibid.*, nos 1714.

<sup>307</sup> *ibid.*, nos 1722, 1725.

<sup>308</sup> *ibid.*, no 1717.

<sup>309</sup> SRO, PS1/60, 86v-124v.

<sup>310</sup> *ibid.*, 118r.

<sup>311</sup> *ibid.*, 100r.

<sup>312</sup> *RPC*, iv, 433.

<sup>313</sup> *CSP Scot*, x, nos 294, 309; app., no 4.

<sup>314</sup> *ibid.*, nos 307, 309, 311; HMC, *Marquis of Salisbury*, iii, 446. Hamilton was, reputedly, backing Maxwell.

<sup>315</sup> *CSP Scot*, x, no 393. Unlike those for Crawford and Sanquhar, *ibid.*, no 391.

<sup>316</sup> Spottiswoode, *History*, ii, 405-6. For background to the events, see Gregory, D, 'Inquiry into the earlier history of the Clan Gregor, with a view to ascertain the causes which led to their proscription in 1603', *Archaeologica Scotica*, iv (1857).



Argyll, Atholl, Montrose and a number of other highland landlords.<sup>317</sup> Other regular matters concerned trade privileges and tax arrears were also dealt with as a matter of course.<sup>318</sup>

The relationship between Bothwell and other councillors fluctuated in the period of the interim government. Bothwell and Lennox represented the king in governmental functions, for example, at the baptism of lord Fleming's son (and Montrose's grandson)<sup>319</sup> and Bothwell personally stood caution for £10,000 that Mr Walter Lindsay of Balgais would enter ward to conform to the king's warrant, when requested. James had previously ordered such a caution to be taken when in Oslo, on 29 November.<sup>320</sup> Bothwell and Hamilton did not always see eye to eye as the earl resented Hamilton trying to interfere in Liddesdale (a lordship of regality, outwith the normal remit of the border administrators)<sup>321</sup> and also that other councillors were secretly discussing matters with Hamilton without discussing them first with himself and Lennox.<sup>322</sup> The situation was hardly as serious as made out, however. Bothwell and Hamilton reconciled their differences and confirmed their friendship over a good dinner.<sup>323</sup> This timely 'reconciliation' eased the granting of £10,000 from the central administration the next day to Hamilton - a grant which, in other circumstances, would have been another cause for discontent.<sup>324</sup>

Communications between the council and Hamilton throughout the interim period were regular. A large part of the treasurer's accounts for the period deal with messengers being sent

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<sup>317</sup> *RPC*, iv, 453-6. Montrose, like Bothwell, had sought reconciliation for his part in the Brig o' Dee rising and had even made approaches to Robert Bruce and Bowes to seek reconciliation with the church and England, *RPC*, iv, 453-7; *CSP Scot*, x, app., nos 11, 13.

<sup>318</sup> *RPC*, iv, 431-79.

<sup>319</sup> *CSP Scot*, x, nos 294, 311; *HMC, Marquis of Salisbury*, iii, 446. It was felt by Asheby that this was partly an excuse to meet with the northern lords and form a faction against Hamilton. It is only later admitted that virtually the whole council attended, *CSP Scot*, x, no 319.

<sup>320</sup> *RPC*, iv, 447.

<sup>321</sup> Spottiswoode, *History*, ii, 406-7; Calderwood, v, 68; *CSP Scot*, x, nos 274, 286.

<sup>322</sup> *ibid.*, no 283.

<sup>323</sup> *ibid.*, no 283.

<sup>324</sup> *RPC*, iv, 437. The option remains that this grant was a 'sweetener' discussed at the reconciliation dinner.



back and forth between Edinburgh and Hamilton.<sup>325</sup> James too was far from out of the picture. Messengers were almost constantly being sent, or looked for, and major pieces of correspondence were obtained in duplicate so that they could be forwarded to the king in Scandinavia.<sup>326</sup>

The major concern of Bothwell and the council during the period of the king's absence was the settling of feuds. In this the earl often took a personal interest. A week after the king left, Bothwell was personally intervening to ensure on-going Lothian feuds were put into abeyance while the king was abroad and for at least fifteen days after his return.<sup>327</sup> At the start of November, he was also concerned to settle a fresh outbreak of the feud between the earl of Huntly and the Forbes family.<sup>328</sup> The situation in the north was considered so serious by the over-anxious English ambassador that he feared a general uprising - it took him a week to realise the situation was localised and under control.<sup>329</sup> Bothwell's dealings with Huntly were not restricted to the Huntly-Forbes feud, however. On 10 November, Bothwell again left Edinburgh, for the north, to treat with Atholl and also to attempt to reconcile Huntly and Moray (or, at least, to get them to postpone their feud until the king's return). James had directed Bothwell to settle the Huntly/Moray and Erroll/Atholl feuds before he returned.<sup>330</sup> The earl met with no success, although this was not considered disastrous as 'the Scottish nature is hardly reconciled'.<sup>331</sup> With the assistance of Huntly, however, Bothwell did play a part in settling the long-running feud between the earls of Caithness and Sutherland: Bothwell

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<sup>325</sup> SRO, E2/67 *passim*. There was also personal correspondence between Bothwell and Hamilton, SRO, GD406/1/42; GD406/1/55; GD406/1/428; GD406/1/8362. Bothwell addressed Hamilton as 'My very gude lord and father'.

<sup>326</sup> *CSP Scot*, x, no 285.

<sup>327</sup> *ibid.*, nos 263, 267.

<sup>328</sup> *ibid.*, nos 263, 281; HMC, *Marquis of Salisbury*, iii, 442.

<sup>329</sup> *ibid.*, no 272.

<sup>330</sup> HMC, *Marquis of Salisbury*, iv, 23.

<sup>331</sup> *CSP Scot*, x, no 281. The feud had only recently restarted, *ibid.*, no 294. The English, followed by Gordon in 1952, felt that there was the formation of a faction around Bothwell, Atholl and Huntly directed against Hamilton, Gordon, *Francis, Earl of Bothwell, 1588-1594*, 121-9. Hay utterly dismissed such speculation, *CSP Scot*, x, no 294.

acted as arbiter for his half-brother, Caithness, while Huntly represented the interests of both sides.<sup>332</sup> Bowes feared the ending of feuds and the signing of bonds of friendship presaged the start of new, greater actions.<sup>333</sup> Bothwell was more successful in dealings concerning the Atholl's feuds: he mediated in the action between Atholl and Montrose which had resulted from the execution of the earl of Gowrie in 1584.<sup>334</sup> He also achieved the deferment of a feud between Atholl and Erroll, over a marriage portion and subsequent escheat, until James returned.<sup>335</sup> He was not able, however, to settle matters between Atholl and Huntly (over an indiscreet former Atholl retainer).<sup>336</sup>

Bothwell was not only concerned with feuds in the north. As well as personally dealing with problems in Liddesdale, Bothwell also attempted to secure an agreement between Maxwell and Johnstone on the west march.<sup>337</sup> Of the pair, Johnstone was the traditional ally of Bothwell, and Maxwell was the ally of Hamilton. However, during the period, Bothwell undertook some communication with Maxwell on the pretext that their two wives were sisters.<sup>338</sup> The feud between the governor, Lennox, and Claud Hamilton was also settled prior to James returning<sup>339</sup> and Bothwell also possibly had some influence in the reconciling of Buccleuch and Cesford,<sup>340</sup> and Buccleuch and Ferniehurst.<sup>341</sup>

The reason behind these efforts to settle outstanding feuds prior to James's return was to strengthen not only the position of the king but also the position of the earl. Increasingly,

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<sup>332</sup> *CSP Scot*, x, no 294; app., no 11; *Scots Peerage*, viii, 343. Sutherland also attempted to settle his long running feud with Mackay of Farr.

<sup>333</sup> *CSP Scot*, x, no 372.

<sup>334</sup> *CSP Scot*, x, nos 386 enc., 389 enc..

<sup>335</sup> Asheby, erroneously, noted the feud as settled, *CSP Scot*, x, no 309. Bowes, on the other hand, notes that Bothwell would not finally compound the feud as, to do so, would offend the chancellor, *ibid.*, no 386 enc..

<sup>336</sup> *ibid.*, no 386 enc.. Huntly was, himself, involved in a feud with Erroll concerning an escheat, *ibid.*, app., no 11.

<sup>337</sup> *RPC*, iv, 478; *CSP Scot*, x, app., no 11. The two lords had previously been disputing their relative positions on the Border, *RPC*, iv, 442-3.

<sup>338</sup> *CSP Scot*, x, no 294.

<sup>339</sup> *ibid.*, no 393.

<sup>340</sup> *CSP Scot*, x, no 280.

<sup>341</sup> *ibid.*, no 393.



however, Bowes and Robert Bruce became more sceptical of his motives. The earl spent a lot of his time in the company of the northern earls and this caused difficulties for the more suspicious of the protestant loyalists. When dealing with the northern earls, Bothwell was very careful to ensure that his mission was well known - transparency of action (if not motive) kept rumours of secret Spanish dealing to a minimum.<sup>342</sup> He continued to provide plausible excuses for his behaviour: the absence of protagonists, the weather or, even, the threat of a Home raiding party seeking to surprise the earl and kill him.<sup>343</sup> The Home antagonism to Bothwell stretched back to the early 1580's but had escalated since the earl's murder of David Home, son of Manderston, in September 1584. By 1589, the antagonism engendered real fear in Bothwell.<sup>344</sup> Just prior to the king's departure, lord Home had led a band of armed men against Bothwell at Saltoun when the earl was intent on reconciliation with both Home and Maitland.<sup>345</sup> A further twice during the winter of 1589/90, Home had attempted to capture or kill Bothwell.<sup>346</sup>

Even the Home/Bothwell enmity, though, was settled during the king's absence. On 13 April, Home approached Bothwell with offers of reconciliation. Bothwell agreed.<sup>347</sup> Some groundwork had already been accomplished by William Leslie (who acted as an agent for Bothwell), Thomas Tyrie and Sir John Ker: 'their late and earnest feud is turned to tender and familiar friendship'.<sup>348</sup> Lord Home's friends were caught unprepared and the reconciliation presaged a major re-alignment of power blocks on the border. Home had been meant to assist Hamilton, with his full force, in order that the lieutenant could do full justice for his whole responsibility, including Liddesdale - an area he found particularly difficult to control.<sup>349</sup>

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<sup>342</sup> *CSP Scot*, x, app., nos 2, 4, 14.

<sup>343</sup> *ibid.*, app., no 4.

<sup>344</sup> *HMC, Marquis of Salisbury*, iii, 442.

<sup>345</sup> See page 176.

<sup>346</sup> *CSP Scot*, x, app., nos 4, 7.

<sup>347</sup> *ibid.*, no 389 enc..

<sup>348</sup> *CSP Scot*, x, no 389 enc.; *HMC, Marquis of Salisbury*, iv, 29-30.

<sup>349</sup> *CSP Scot*, x, no 382.



Home, instead rode to Bothwell at Crichton, and left Hamilton feeling insulted.<sup>350</sup> Thus, by the end of April, Bothwell was reconciled with almost all of his once staunchest enemies: he even travelled to Dunglass to settle his feud with Home of Manderston, a man whose son he had murdered.<sup>351</sup> Why? Although Gordon's theory of anti-Hamilton plotting is enticing, the more plausible answer is that his estates needed repair, his growing family needed protection and security, and that Bothwell was genuinely hopeful of a more fruitful relationship with both James and England.<sup>352</sup>

Bothwell's relationship with the kirk undertook an appreciable upswing while he fulfilled the office of assistant governor - such an occurrence was in the interests of both sides. Bothwell started attending more sermons, and entered discussions with Robert Bruce (minister of St Giles) and Robert Rollock (principal of Edinburgh University) concerning his past errors and future conduct.<sup>353</sup> Although some of Edinburgh's religious community, understandably, were sceptical of the earl's rediscovered religious zeal and criticised him for such (causing Bothwell to sulk for a short period and not attend further sermons),<sup>354</sup> their celebration of his heartfelt repentance and 'new birth' was unconfined.<sup>355</sup> The ministry was important to the government,

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<sup>350</sup> *CBP*, i, no 671. For a different interpretation, see Gordon, *Francis, Earl of Bothwell, 1588-1594*, 137. He seems to base his claims on marginalia by Walsingham, *CSP Scot*, x, no 367. Other lords had been summoned to attend Hamilton as well. Some, like the new lord Boyd, received remissions so that they could assist Lennox in his duties in the west, SRO, GD8/354.

<sup>351</sup> *CSP Scot*, x, no 393.

<sup>352</sup> *ibid.*, no 393.

<sup>353</sup> Spottiswoode, *History*, ii, 406-7; Calderwood, v, 68; *CSP Scot*, x, no 274;. The synod of Lothian had initially felt the Brig o' Dee rebels should be forced by the king to make public repentance but dismissed the idea as they felt it would turn into a 'plain mockerie', Calderwood, v, 60.

<sup>354</sup> *CSP Scot*, x, no 273.

<sup>355</sup> Spottiswoode, *History*, ii, 406-7; Calderwood, v, 68; *Diary of James Melville*, 277; *CSP Scot*, x, no 274; Larner, C, *Witchcraft and Religion: the Politics of Popular Belief* (Oxford, 1984), 7-8. Calderwood's related story that Bothwell 'mocked God' that night (or sometime thereafter) by ravishing the earl of Gowrie's daughter is uncorroborated by any other source (Melville stating he took God's name in vain but nothing more); other aspects of Calderwood's story (concerning the baptism of Home's daughter) are confused in time and place and this may be the case as regards the earl's behaviour, Calderwood, v, 68. Brown accepts Calderwood's version, uncritically, stating 'no doubt, Bothwell enjoyed getting even with God!', Brown, 'In search of the Godly magistrate', 567. Forster, a more reliable source, claimed in April 1591, that the reason for Bothwell's imprisonment was the outrage of the kirk concerning Bothwell's 'frequenting of my lord Ruthven's daughter' and general 'disordered life' - suggesting a later date for the encounter, *CBP*, i, no 709.

especially considering their effective 'control' over the populace of Edinburgh. As time passed, they were more amenable to Bothwell, and were partially responsible for settling the dispute between him and Hamilton. Asheby, however, felt the reconciliation would endure only while the king was absent and that there was an underlying tension which had not been addressed.<sup>356</sup> The earl's actions in the holding of the Spanish barque and her crew confirmed to the kirk that Bothwell was safely back within the fold.<sup>357</sup> The relationship faltered only when Bothwell, along with Montrose, Seton and Balwerie, attempted to convince the general assembly to reconcile with the laird of Fintry for his past offences.<sup>358</sup> The kirk saw his situation as the same as with other loyal lords - notably Hamilton and Lennox - 'many words but few deeds!'.<sup>359</sup>

Catholic plots were everywhere, as were the excuses for English ambassadors to involve Lennox and Bothwell in them.<sup>360</sup> The English agents are an inconsistent source for the period. While their basic information is normally accurate and some of their interpretation is enlightening, on other occasions they suffer from a form of myopia which could be cured only by the return of the king. The English ambassadors consistently commented to their correspondents concerning the peace the realm witnessed during the governance of Lennox

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<sup>356</sup> *CSP Scot*, x, no 286.

<sup>357</sup> *ibid.*, no 354.

<sup>358</sup> *ibid.*, app., no 13.

<sup>359</sup> Calderwood, v, 86.

<sup>360</sup> For example, on 25 November 1589, Mungo Graham, master of the king's household and the uncle of the earl of Montrose, died in Edinburgh. His funeral was an excuse to engage in all the normal speculation as to the motives of various people attending, *CSP Scot*, x, no 290. The out-of-favour and unreconciled earl of Erroll was alleged to have secretly attended, as was the disgraced former earl of Arran, *ibid.*, no 294. Hay felt 'Arran' could not have attended without Bothwell's complicity. Atholl was alleged to have been offered 5,000 merks in gold to go over to the catholics. It was claimed the Master of Gray prevented Atholl from joining Huntly and Erroll, Maxwell (who would soon privately re-confirm his catholicism), *ibid.*, app., nos 4, 11, was implicated in some way. Other members of the nobility were alleged to have been approached by Spanish agents. Bothwell, himself, joined in the fun: Mungo Graham had been a pensioner of Kelso Abbey, Kirk (ed.), *Books of Assumption*, 224, and the earl fed Asheby an outrageous story that there was a catholic plot to seize Edinburgh by night - Asheby, for once, did not take the bait and commented to Burghley that he felt it unlikely. It was enough for Asheby, however, to recommend that Bothwell be put on a retainer as *certum in re inceta*, *CSP Scot*, x, no 290.



and Bothwell, yet consistently also felt along the lines of 'the long smothered flames will break out [in the spring] by the instigation of the papists and the malcontents'.<sup>361</sup> It was almost as if they felt the tranquillity of the realm was not real, and what was required was the return of the king to restore the realm to its normal chaotic and undisciplined state. Asheby only saw the Scottish nobility as factious and petulant - any time they did not get their own way, he feared localised disruption or, worse, general insurrection. While such views have their place, it must be remembered that the Scottish nobility were well aware of the transitory nature of the government and also appreciated that the absentee king would not fail to seek retribution on anybody who disrupted the peace of the kingdom while he was away.

Bowes was nearly as nervous as Asheby - he too saw catholic plots behind every action.<sup>362</sup> When Huntly and Erroll increased their personal guards, Bowes's first reaction was to note a prophecy saying the earl's would increase their retinues before undertaking any action (hardly novel!).<sup>363</sup> It was only on later reflection that Bowes acknowledged that one of Huntly's men had recently killed one of Erroll's and a localised feud was the more likely scenario - and even this was in the process of arbitration.<sup>364</sup> Some of his intelligence, however, has a ring of truth about it. In early February, Bothwell was approached by Huntly and Erroll and offered 1,500 pistolets of Spanish gold to secure him to that faction. Bothwell considered the idea, but insisted on Scottish rials instead of the pistolets and refused to put his name to a receipt, which could be used against him. Huntly and Erroll withdrew their offer.<sup>365</sup> Like Atholl and

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<sup>361</sup> *CSP Scot*, x, nos 264, 281, 312, 358, 362, 367; HMC, *Marquis of Salisbury*, iv, 23. The quote is from *CSP Scot*, x, no 281.

<sup>362</sup> Bowes also corresponded with James in Scandinavia. While we are unclear on what was conveyed by messenger alone (and not committed to paper), the written correspondence mentions some of the problems the realm was experiencing (notably the raids from Liddesdale) without mentioning the effective actions the provisional government were undertaking to resolve them, *CSP Scot*, x, app., nos 9, 10.

<sup>363</sup> *ibid.*, app., no 4.

<sup>364</sup> *ibid.*, app., no 4. This was not the only occasion Bowes jumped to the wrong conclusion about a muster of arms, *ibid.*, app., no 11.

<sup>365</sup> *CSP Scot*, x, app., no 5.



Maxwell before him,<sup>366</sup> Bothwell was prepared to listen to the offers and, if lucrative enough, accept them. However, bribes did not assure allegiance, especially when the opposing side were offering bribes of similar quality. Bowes was not always well informed. Bothwell, at Lennox's insistence, secured a safe conduct to visit the queen in her court - a matter Bowes knew nothing of - for which he was 'right well pleased'.<sup>367</sup>

This was particularly so during the interim government. In late November, a letter from John Crawford addressed to Mr Bog was intercepted along with a Matins Book. After an initial failure to decipher the complete letter, the clerk register suggested to Asheby that Bothwell was the most appropriate person to help. Bothwell admitted that he was Mr Bog and that the letter and book were directed to him.<sup>368</sup> On receipt, the earl immediately send both letter and book to Robert Bruce 'to his great credit'.<sup>369</sup> While, at a superficial level, this appears a straightforward case of Bothwell displaying his new-found loyalty to the English throne, at a deeper level, it appears suspiciously like a set-up. The true nature of the incident is not immediately apparent until it is realised that it was Bothwell's agents who intercepted the letter and Alexander Hay had previously informed Asheby, several days prior to the revelations, that such a find was due to occur.<sup>370</sup> Either way, Bothwell could not fail to lose - he integrated himself with the kirk and Elizabeth at the expense of the northern earls.

Another example of a plot being not all it seemed was inspired by Bothwell himself. As part of his rapprochement with the English government, he suggested utilising his catholic contacts to discover the plans of Parma and the king of Spain for the summer of 1590. He claimed he

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<sup>366</sup> *CSP Scot*, x, nos 290, 291.

<sup>367</sup> *ibid.*, app., no 5. There was a rumour that Bothwell would be imprisoned if he set foot in England, *ibid.*, x, no 354. The safe conduct was to allow for negotiations 'to procure the good of the two realms against the Spanish and in religion'. Bowes was more concerned with other matters, including the birth, to the countess of Huntly, of a son. As Wigmore, an English agent, reported, 'what storm that calm will produce, I know not'. The safe conduct was never utilised as Bothwell could not find an excuse to go, which would not antagonise one section of society or another. Alexander Hay, the clerk register, went instead in early March, *ibid.*, 354. 355. 361.

<sup>368</sup> *ibid.*, no 308.

<sup>369</sup> *CSP Scot*, x, no 311; HMC, *Marquis of Salisbury*, iii, 446.

<sup>370</sup> *CSP Scot*, x, nos 294, 309.

would write to Parma and have the letter delivered by James Graham, brother of the laird of Fintry, and a known catholic sympathiser. At the same time Bothwell was to communicate with Spain through captain Hackerston, one of his sponsored pirates - using the Spanish barque and remaining Spanish prisoners from the armada as an excuse for contact. Graham and Hackerston would betray supposed preparations for the combating of any invasion in both Scotland and England and, in return, hope to establish what the continental Spaniards intended to do and when. Both would then speedily return to Scotland (through England, if necessary - Archibald Douglas securing his safe conduct) and reveal all to the earl. Meanwhile, in Edinburgh, Bothwell would execute a *volte face* and announce himself to be dissatisfied with Elizabeth's support as she was cozening him with no prospect of further assistance. If this did not satisfy the pro-Spanish party, a fake letter from an English agent expressing discontent with the earl and his actions would be captured. If all went to plan, the agents would disclose the secrets of Parma and Philip to Bothwell, who would pass them on to the English administration and, thus, consolidate himself in Elizabeth's favour. If the pro-Spanish lords in Scotland suspected a plot and posed any immediate threat, Bothwell would summon a convention, rely on the burghs and ministers to complain loudly, and use this as an excuse to apprehend the malcontents. Ultimately, if necessary, Bothwell was also willing to accept complaints against himself and enter ward until released upon the mediation of the English ambassador. Bothwell claimed he had discussed the whole plan with Robert Bruce and Richard Douglas, and had informed Archibald Douglas of his intentions. This, he felt, ensured he was acting honourably.<sup>371</sup>

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<sup>371</sup> *CSP Scot*, x, no 360. Bothwell had been reported to be in communication with Parma since November, *ibid.*, no 277, but had lost the confidence of the pro-Spanish party, *ibid.*, app., nos 2, 8. There remained around 100 Spaniards in Scotland who had been ship-wrecked in the aftermath of the armada. For the communications with Parma, see *ibid.*, nos 363, 364. Jack argues that James VI actively encouraged Scottish pirates to give assistance to the Spanish as long as the missions could be seen as were freelance and were deniable, Jack, R D S, 'Montgomerie and the pirates', *Studies in Scottish Literature*, ii (1968), 134.



Where did reality end and the plot begin? Was this, as it seems, a pro-English plot to expose Spanish designs? Or, was it a pro-Spanish plot which, under the pretence of assisting Elizabeth, gave Bothwell legitimate permission to freely consort with Parma and Felipe II? What would Graham say in private and what plans would he actually disclose? Or, most deviously of all, was it an attempt by Bothwell not only to show his possible uses but also indicate the dangerous side to his nature - he never expected Elizabeth to approve the plan, but he hoped it would concern her enough to cause her to bind him closer? If she, unaccountably, did accept the plan, then he still had a free hand to deal with whichever side offered him the most favourable terms. Bowes was in no doubt. He noted

323 [Bothwell] has kept secret to himself part of his intelligence and doings with Parma, and also offered matter beyond his reach and performance; he knows what the Spanish faction here proposes to attempt, for the most of the chief instruments therein depend on him and his help; he will tell Bowes nothing and pretend ignorance<sup>372</sup>

Elizabeth, too, did not like the proposal and suggested an alternative, which Bothwell consented to.<sup>373</sup> As he consented, however, he lost further faith in his new patron. What is more, Elizabeth next refused to receive his messenger, Richard Douglas, or grant him 'entertainment' - which disappointed both Walsingham and Burghley.<sup>374</sup>

As time went on, Bothwell became convinced that Elizabeth was receiving similar prejudicial and out-of-date information concerning his dealings with Spain. He sought, once again, to prove his loyalty by adhering to Elizabeth's wishes concerning Parma.<sup>375</sup> As he himself noted, he did so

in danger of the loss of his favour therefore, and that in conscience the course seemed contrary to his own intention and carrying danger to that he liked best, he had withdrawn himself from it [his Parma plan] piece by piece but not yet

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<sup>372</sup> *CSP Scot*, x, app., no 19.

<sup>373</sup> *CSP Scot*, x, no 367.

<sup>374</sup> *HMC, Marquis of Salisbury*, iv, 26.

<sup>375</sup> *CSP Scot*, x, no 389 enc..



discharged<sup>376</sup>

The earl received no notable response. Bothwell was so exasperated by the queen that, in the middle of April, he sent Elizabeth an ultimatum - she must either prove she wanted his services or release him from his bond to her.<sup>377</sup>

The plan worked and Bothwell was able to wring valuable 'entertainment' out of Elizabeth - along with full restitution of his captured barque,<sup>378</sup> he was to receive English letters of marque for use against Spanish ships as well as the right to discharge any captured cargo from successful raids in English ports.<sup>379</sup> The earl had been pressing for such letters of marque and trading concessions, through official channels, for less than a month.<sup>380</sup>

In most cases, when acting as assistant governor, Bothwell strode the *via media*. Unlike James, this was a conscious decision. He was not pulled this-way-and-that by one faction or another, instead 'he soars daily on the wind, hovering now hither and thither, only expecting - as he would seem - who would reclaim him with the loudest lure'.<sup>381</sup> While constantly protesting his loyalty to one side, he always left his options open to secretly deal with their opponents.

On 15 April, James Carmichael arrived at Leith to announce that James was on his way back to Scotland. He brought with him a warning that James was aware of the political situation:

understanding by Colonel Stewart that the factious and disquiet subjects in this realm, finding no time in the king's absence to attempt their desires, either to possess the king's person or care, or to remove from him such as have the best credit with him and be chief impediments of their evil designs, and best instruments for the public welfare of all good causes and courses, have therefore chosen rather to suspend than utterly to cast off the execution of their practices, which they propose to enterprise at the king's return, and

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<sup>376</sup> HMC, *Marquis of Salisbury*, iv, 23.

<sup>377</sup> CSP Scot, x, no 389 enc..

<sup>378</sup> See above, page 258.

<sup>379</sup> CSP Scot, x, no 393.

<sup>380</sup> *ibid.*, nos 372, 391.

<sup>381</sup> CSP Scot, x, no 296.

afterwards to maintain and set forward to the uttermost of their powers<sup>382</sup>

As an example of his intentions, William Keith had been removed from his chamber and George Home, younger of Manderston (the brother of the murdered David Home), placed there instead.<sup>383</sup>

On 30 April, a ship carrying colonel Stewart arrived at Leith as the advance party for the king and queen's convoy. Rumours had persisted to the end: that Elizabeth would intercept the king; that an English fleet was anchored off Berwick; that Bowes had ridden for the Border fearing an international incident.<sup>384</sup> Bothwell, who was in discussion with Home at Dunglass, and Lennox were recalled to the capital.<sup>385</sup> The following day, slightly after midday, the ship carrying James and his bride sailed into Leith - one of the first sights to have greeted them would have been the Spanish barque moored by the quayside. The well considered welcome plans of the previous September were disregarded and it was Colonel Stewart who welcomed the royal party and led them to shore.<sup>386</sup> The party was met at the head of the stairs by Lennox and Bothwell as Edinburgh Castle and the ships in the Forth let off volleys of gunpowder.<sup>387</sup> As James stepped onto the dock, the governmental responsibilities of Bothwell ceased and he returned to his conventional rôles as sheriff, admiral, nobleman and courtier. The king's honeymoon could be said to have fifteen days left.

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<sup>382</sup> *CSP Scot*, x, no 386.

<sup>383</sup> SRO, PS1/60, f. 125r: *CSP Scot*, x, no 386.

<sup>384</sup> *CSP Scot*, x, no 393.

<sup>385</sup> *ibid.*, no 394. The royal party did not disembark until later in the afternoon or early evening, Stuart, J (ed.), 'The Chronicle of Aberdeen', *Spalding Club Miscellany*, ii, 65.

<sup>386</sup> *CSP Scot*, x, app., no 20; Stevenson, *Last Royal Wedding*, 100.

<sup>387</sup> *Calderwood*, v, 94.



The household and governmental positions achieved by Francis Stewart between 1581 and 1591 reflected his importance in different spheres of Jacobean politics. His elevation to assistant governorship while the king was abroad reflected not only his close familial links to James and Ludovick, duke of Lennox (the governor), but also his unique talents - his wealth, his political connections and his ability to terrify both the Scottish factions and the English government into stunned inaction. His period as assistant governor was markedly successful (at least as successful as any other six month period of James's personal reign) but this should not be considered peculiar. In his rôle as admiral, Francis Stewart had been equally successful, although, several burghs (and particularly Edinburgh) found need to complain of admiralty impositions. This did not reflect badly on the earl - instead it demonstrated an active office holder in command of his brief with competent (if over zealous) deputed. This was particularly true when compared to relatively lax administration during the period since James V's death. (The burghs had also complained during regent Morton's period of active admiralty). As master of the horse Bothwell had three objectives to fulfil - to offer protection, to provide communication and to co-ordinate ceremonial. There is no evidence to indicate he did anything other than fulfil each rôle with credit. Such was also the case when he served as ambassador for completion of the league with England in 1586. Although he was not first choice for the chief position, he accomplished all that James hoped for. That Bothwell never again served as ambassador was not a reflection on his capabilities but a recognition that there were some political circumstances which precluded greater involvement for someone with his character flaws.

The positions attained by Bothwell broadly reflected his areas of interest but, in three specific examples, he could not persuade James (or his counsellors) to grant patronage. The first rôle was that of chancellor - the foremost political office in the realm. Despite being promised the post on two occasions, Bothwell was unable to attain it and, from 1587, it was



granted to John Maitland of Thirlestane, one of the earl's leading rivals at court. It would appear that Bothwell merely 'tolerated' Maitland's holding of the office, and still envisaged acquiring it on the older man's demission. Like the other two posts Bothwell was unable to achieve - the lieutenancy of the border and the keepership of Edinburgh Castle - it would seem that James recognised that the earl had a number of limitations and was unwilling to place too much authority in his hands.

## ***CHAPTER SEVEN***

***Religious patronage:  
Bothwell and the kirk of Scotland***

Francis Stewart was one of the post-reformation generation: by the time he reached maturity, he had known nothing but reformed kirk government.<sup>1</sup> As a Jacobean noble, much of his existence revolved around the influence he could exert and the associations he could call upon. Within the sphere of the church, in practice if not in theory, these aspects were little different. Wormald has argued that the attitude of the landed laity to the reformation settlement concerning kirk lands was ambiguous at best. While, in the opinion of the kirk, the Scottish nobility lacked commitment to religious reform, in everyday political terms, the freedom of action possessed by the nobility was severely limited and the complexity of their regional and national rôles precluded a greater single-mindedness<sup>in</sup> advancing the reformed kirk.<sup>2</sup> The reformation settlement, at the same time, was both an opportunity and a threat to catholic and protestant lords alike. Many of the upper nobility were commendators of benefices and, as such, they possessed the rights to attendant kirk lands. While these lands, which represented significant land-holding and wealth, remained in the nobility's possession after the reformation, the titles by which they possessed them were not heritable.<sup>3</sup> The reformed kirk did not disguise its preferred option concerning the land and its patronage: they sought to abolish the existing financial system and with it lay and royal patronage.<sup>4</sup> The tenurial land-holding pattern after the reformation was not as simple as it first appeared to the kirk: nobles not only held kirklands themselves but, in many cases, also held, or had feued, the teinds of the lands on a heritable basis. This situation, which blurred the distinction between church and lay property, bred a climate of uncertainty and fear in both parties. The kirk, desperate to

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<sup>1</sup> The question of whether he was aware of any other doctrine is more difficult to assess, see page 133-4.

<sup>2</sup> Wormald, *Court, Kirk and Community*, 125; Wormald, "'Princes" and the regions', 74. See also Brown, 'In search of the Godly magistrate', *Journal of Ecclesiastical History*, xl (1989); Kirk, J, *The Development of the Melvillian Movement in late Sixteenth Century Scotland* (unpublished Ph.D., Edinburgh, 1972), 36-7, 102.

<sup>3</sup> Donaldson, *James V to James VII*, 133. Kirk argues that, in reality, in many of the monastic houses, the hereditary principle did operate, Kirk, J, 'Royal and lay patronage in the Jacobean Kirk, 1572-1600', *Church, Politics and Society*, ed. N MacDougall, 138.



establish itself and its ministry, sought income to support newly reformed preachers. The nobility, anxious not to lose power and income, sought legal protection of their 'traditional' holdings.

In Scotland, it was the bishop or, alternatively, superintendent who took a leading part in the examination and admission of candidates for the clergy.<sup>5</sup> There was a system of checks to ensure that unsuitable men were not promoted to spiritual office as a result of collusion between a bishop or superintendent and the relevant patron.<sup>6</sup> Despite this, a few such unsuitable men did receive church patrimony and ecclesiastical styles, however, this was still an improvement on the period before the reformation, when parsons, as a rule, did not take part in any service within the parish and, not infrequently, the vicar too was inactive.<sup>7</sup>

Religion is an aspect of Francis Stewart's life which, too often, is casually disregarded. When his religion is referred to at all, it is with reference to his association with the northern catholic earls in both 1589 and 1594; his alleged diabolism of 1589; or to his catholic conversion in Spain during his exile.<sup>8</sup> Francis Stewart's religious convictions are viewed as lukewarm or dubious, and, as a result, hindsight is consequently employed to give the impression of a man lacking religious conviction from early in his political career. Such an interpretation gives an unrealistic impression of Francis Stewart.

Few could boast the undoubted religious credentials of Francis Stewart in July 1582. His religious legacy was phenomenal: his father, while a Guise and Marian loyalist, had been

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<sup>4</sup> Cameron, J K, *The First Book of Discipline* (Edinburgh, 1972), 108-13; Kirk, J, *The Second Book of Discipline* (Edinburgh, 1980), 234-8; Kirk, J, *Patterns of Reform* (Edinburgh, 1989), 368; Donaldson, G, *The Scottish Reformation* (Cambridge, 1960), 12.

<sup>5</sup> Kirk, 'Royal and lay patronage, 1572-1600', 141, 146. Kirk considered that a detailed study of noble patronage was necessary to more fully understand the operation of the post-reformation kirk. He suggested the earl of Moray as the best candidate for such a study. The idea of mutual distrust and hostility between the reformed kirk and the noble land holders - which Kirk claimed threatened the kirks control and supervision - also requires further examination, see Donaldson, g, 'The polity of the Scottish church, 1560-1600', *RCHS*, xi (1965), 214-5.

<sup>6</sup> *BUK*, i, 294; Calderwood, iii, 308; Donaldson, *The Scottish Reformation*, 196-7.

<sup>7</sup> Donaldson, *The Scottish Reformation*, 196-7; Donaldson, 'The parish clergy at the reformation', *Innes Review*, x (1959), 5.

<sup>8</sup> See *Appendix 1*.

sympathetic to the Lords of the Congregation from an early stage and had attended the reformation parliament;<sup>9</sup> his wife, Margaret Douglas, was the daughter of a noted protestant - David, seventh earl of Angus; his uncle, regent Moray, had been, perhaps, the staunchest noble supporter of the reformed kirk; his tutor, regent Morton, while politically attempting to control the influence of the kirk, was never doubted for his religious convictions; and even his immediate predecessors as earls Bothwell, though political rebels, were protestant sympathisers - the third earl was accused of being Lutheran in the 1530s and the fourth earl defied his queen, and wife, to maintain protestant standards in the 1560s.<sup>10</sup>

In addition to past legacies, Francis Stewart already had powerful advocates in Scotland. William Fowler, one of Castalian Band of poets about James VI, had travelled to the continent at the same time as the earl and had dedicated his first public work, *An Answer to...an Apostate named Mr John Hamilton* - an early vernacular essay against catholicism - to Francis Stewart as his patron and friend.<sup>11</sup> Agents for Francis Stewart had ensured his name appeared on the King's Confession of November 1581, despite the fact that the earl was then in Italy,<sup>12</sup> and, upon returning home, one of the first actions of the earl was to seek out the advice and guidance of the kirk.<sup>13</sup> In October 1582, Francis Stewart personally signed the King's Confession, before a full session of the general assembly.<sup>14</sup>

With the ratification of his earldom in 1581, Francis Stewart had confirmed the patronage of two established collegiate churches, Bothwell and Crichton, and also the patronage of a third foundation, Markle, the status of which after 1568 is uncertain. An earlier grant to Francis Stewart of the temporalities of the earldom of Bothwell had included the patronage of a further

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<sup>9</sup> See above, pages 104-5.

<sup>10</sup> See above, page 86.

<sup>11</sup> Meikle, *et al* (edd.), *Works of William Fowler*, ii, 9-11; iii, pp. xi-xix. See also above, page 131-2.

<sup>12</sup> *BUK*, 518.

<sup>13</sup> Calderwood, iii, 634.

<sup>14</sup> *BUK*, 585; Spottiswoode, ii, 295. Bothwell did not get on well with all ministers all of the time - in 1585 he was excommunicated by William Aird, minister of St Cuthbert's in Edinburgh, Dunlop, *Kirks of Edinburgh*, 113; *Fasti*, i, 100.



established collegiate church - Bothans in Haddingtonshire.<sup>15</sup> This document, probably produced in a hurry for the December 1567 parliament (at which the forfeiture of James, fourth earl Bothwell was ratified) was strongly based on (and, probably, intended to be a direct copy of) the only relevant grant previously recorded in the register of the great seal - the grant of earldom to Adam, second earl Bothwell in 1511.<sup>16</sup> The document was fifty years out of date and demonstrably inaccurate: Adam, the second earl had exchanged the patronage of Bothans, along with his rights to a third of the lands of Bolton, for the barony of Morham in 1512.<sup>17</sup> Both the patronage and provostry of Bothans collegiate church were held by lord Hay of Yester and there is no surviving evidence to indicate that Francis Stewart, or his administrators, considered the re-granting of Bothans as anything other than an error.

As well as the collegiate churches, the earl Bothwell had the right of presentation to the parish churches of Hauch,<sup>18</sup> Oldhamstocks, Cockburnspath,<sup>19</sup> Morham, Carruthers, Cavers Parva,<sup>20</sup> Whitsome, Dalry,<sup>21</sup> Wilton, Kirkyetholm, Ettletown,<sup>22</sup> and Dolphinston. He also had patronage of the prebend of Pitcox within Dunbar collegiate church, the chapel of Burnhouse within Whittingham,<sup>23</sup> and the chapel of the archangel Michael within Hailes Castle.<sup>24</sup> Of the

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<sup>15</sup> SRO, GD224/890/21/2. Bothans is now called Yester. For a brief ecclesiastical overview of Bothans, see Cowan, I B (ed.), *The Parishes of Medieval Scotland* (SRS, 1967), 21; Cowan & Easson, 215-6; *Thirds of Benefices*, 28, 162, 278; *Books of Assumption*, 122, 172, 175-6, 190; Haws, C H (ed.), *Scottish Parish Clergy at the reformation* (SRS, 1972), 28; *Fasti*, i, 298-9; *Calderwood*, iii, 776; *BUK*, 560, 849.

<sup>16</sup> *RMS*, ii, no 3635; v, no 218.

<sup>17</sup> see above, page 56-7.

<sup>18</sup> Also called Prestonkirk and now called East Linton.

<sup>19</sup> Cockburnspath originally had been a chapel of Oldhamstocks.

<sup>20</sup> Also known as Kirktown in Teviotdale; it had been in the patronage of James, fourth earl Bothwell immediately prior to the reformation; previously it had been under the patronage of the bishops of Glasgow, Cowan (ed.) *Medieval Parishes*, 124-5.

<sup>21</sup> In Nithsdale.

<sup>22</sup> Ettletown is not confirmed in Bothwell's possession until 1587 (due to the omission of the lordship of Liddesdale from the earlier grant) and even then, its inclusion is highly ambiguous. Like the other foundations in Liddesdale, it is unlikely to have had any definite physical worship-place in the late sixteenth century, the patronage however remained with the lord of Liddesdale. It may have had parochial status.

<sup>23</sup> Alternatively, Bowerhouse.

<sup>24</sup> Not to be confused with the parish of Hailes in Edinburgh (now Colinton).



148 unappropriated churches at the reformation, twenty-four were under the direct patronage of the crown, a further thirty-six had leading ecclesiastics as their patrons, fifty-three were in the gift of local lords and lairds and the patronage of twenty-five pertained to members of the upper nobility<sup>25</sup> - of these, the earl Bothwell held ten.<sup>26</sup> Wormald and Kirk have both argued that there was little opportunity for laymen to influence parochial appointments after the reformation through kirk patronage.<sup>27</sup> Francis Stewart, earl Bothwell, would seem to be one of the clearest exceptions to this rule. A significant proportion of unappropriated benefices under lay patronage was in the hands of one man and these ecclesiastical foundations accurately mirrored the areas of comital influence exercised by the Hepburn earls Bothwell. The concentration of churches was in Haddingtonshire, Berwickshire and Lanarkshire although there were also outlying kirks on the west march and in Teviotdale.<sup>28</sup>

As well as holding patronage as earl Bothwell, Francis Stewart, from 1566 until 1586, and from 1588 until 1589, was also commendator of Kelso. In this position, patronage was again a powerful tool. Kelso Abbey, and its dependant cell at Lesmahagow, controlled the patronage of a further thirty-seven parish churches with their attendant chapels. From 1587, Francis Stewart also held the commendatorship of Coldingham. Although significantly smaller than Kelso, this border priory possessed the rights to patronise a further eleven parish

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<sup>25</sup> Figures based on Cowan (ed.), *Medieval Parishes*, 226. The earls of Rothes had the patronage of five churches; the earl of Atholl had patronage of three; Crawford, Huntly and Glencairn patronised two each; and the earls of Argyll and Angus one each. The patrons of ten parishes at the reformation (mainly in the Highlands) remain unknown. Kirk has noted that patronage changed over time. In 1592, earl Marischal had patronage of eight churches, Kirk, *Patterns of Reform*, 416; *RMS*, v, 2176. The patronages had been gained from various pre-reformation patrons - Trinity College, Edinburgh; St Salvator's College, St Andrews; College of St Mary of the Rock, St Andrews (two); Arbroath Abbey (two); Aberdeen Cathedral; and Elgin Cathedral.

<sup>26</sup> Cockburnspath and Morham were parochial only after the reformation and so are not included in Cowan's figures.

<sup>27</sup> Wormald, "Princes" and the regions', 68; Kirk, 'Royal and lay patronage, 1572-1600', 128.

<sup>28</sup> Hawick, in Teviotdale, had been erected into a prebend of the collegiate church of Bothwell in 1447, Cowan (ed.), *Medieval Parishes*, 81.

churches.<sup>29</sup> Thus, at least during the later part of his political career in Scotland, Francis Stewart, was responsible for proposing candidates for vicarage and parsonage vacancies in fifty-nine parishes. This represented five per cent of the total of parishes covering the whole of Scotland at the reformation, and over fifteen per cent of the parishes south of the Forth-Clyde line. While nearly all the parishes were rural and upland, they were significantly spread across the south, ensuring that the influence of a man, untrained for any ecclesiastical office, would be felt through his dispersal of patronage (should he wish to exercise it) to vacant benefices.

[See Map 5]

#### **earl Bothwell, 1578-91**

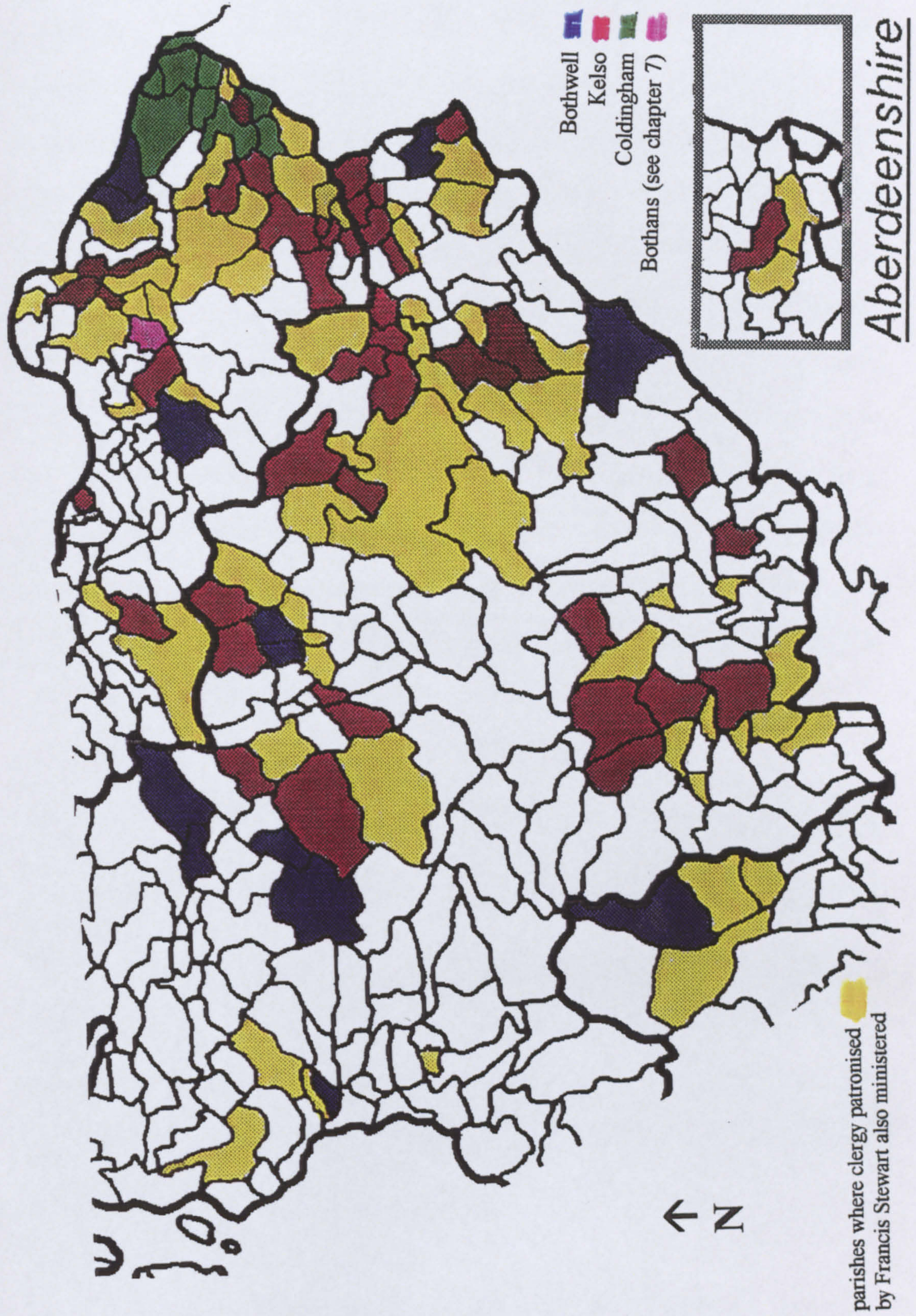
The power of the earls Bothwell had traditionally been exercised in specific areas - Lothian, Berwickshire, Lanarkshire, Liddesdale and the west march. The patronage of the unappropriated parish churches possessed by Francis Stewart as earl Bothwell reflected the realities of his temporal land holdings. Within Lothian he was patron of the collegiate churches of Crichton and Markle, the parish churches of Hauch, Morham and Oldhamstocks and the prebendary of Pitcox and the chapel of Burnhouse.

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<sup>29</sup> At an earlier period, it had held the rights of patronage over eighteen churches. Goodman, A, 'Religion and warfare in the Anglo-Scottish marches', *Medieval Frontier Societies*, edd. R Bartlett & A MacKay (Oxford, 1989), 247.



*Parish kirks patronised by Francis Stewart*





Crichton collegiate church had been founded by Chancellor William Crichton in 1449 and had been within the patronage of the earls Bothwell since 1488. When constituted, the church had eight prebendaries (although others were added later)<sup>30</sup> and, on at least some occasions, previous earls had used them to further the ecclesiastical careers of relations of family retainers and associates.<sup>31</sup>

In January 1567, following the death of James Hepburn, provost of Crichton and dean of Dunkeld, David Chalmers of Ormond, chancellor of Ross, was presented to the provostry of Crichton by James, earl Bothwell.<sup>32</sup> (One source notes Alexander Hepburn of Whitsome as provost in 1567, but it is more likely that some of the provostry lands had been feued to him.)<sup>33</sup> David Chalmers had been provided to the provostry, at Rome, as early as 1553,<sup>34</sup> and was titular provost throughout the 1570s and 1580s.<sup>35</sup> Frequently out of favour at court, for example, in 1568 when he was indicted for treason and escheated for supporting the duc de Châtelherault,<sup>36</sup> or in 1571 when he was forfeited,<sup>37</sup> he was later rehabilitated and confirmed in the provostry by Francis Stewart in July 1587.<sup>38</sup> While Chalmers was out of favour, the provostry was held by Adam Johnston, who also acted as parish minister (with additional

<sup>30</sup> Cowan & Easson, 217-8. See Easson, D E, 'The collegiate churches of Scotland', *RSCHS*, vii (1961), 47; Laing, D (ed.), *Registrum Domus de Soltre, necnon Eccleie Collegiate Sancte Trinitatis prope Edinburgh* (Bannatyne Club, 1861), 305-12.

<sup>31</sup> For example, SRO, PS1/54, f. 2r. In 1531, Heriot of Trabroun, a close associate of the earls Bothwell, left money for a chaplain at Crichton, Durkan, J, 'A note on Scottish medieval hospitals', *Innes Review*, xiii (1962), 218.

<sup>32</sup> SRO, PS1/55, f. 217r; Watt (ed.), *Fasti Medii Aevi*, 350. Chalmers was a servitor of the fourth earl and knew him from their time on the continent. He frequently acted as a messenger between Bothwell and Mary and was also made common clerk of Edinburgh through Bothwell's influence, HMC, *Marquis of Salisbury*, ii, 46.

<sup>33</sup> *Fasti*, i, 311-2.

<sup>34</sup> SRO, PS1/55, f. 217r. Possibly Duncan Chalmers, his uncle. For discussion see Watt (ed.), *Fasti Medii Aevi*, 279; Adam, R (ed.), *The Calendar of Fearn: Texts & Additions, 1471-1667* (SHS, 1991).

<sup>35</sup> He held the superplus of Crichton from the crown, *RSS*, v, no 3279, and the parsonage and vicarage dues from the earls Bothwell, *Thirds of Benefices*, 27, 274, 278; *Books of Assumption*, 108-9, 119, 128, 176, 182, 450; Haws (ed.), *Parish Clergy*, 51; *Fasti*, i, 311-2.

<sup>36</sup> *APS*, iii, 49; *RSS*, vi, no 311.

<sup>37</sup> *RSS*, vi, nos 1201, 1447.

<sup>38</sup> SRO, PS1/55, f. 217r.

responsibilities for Fala and Soutra).<sup>39</sup> Johnston was very active in the reformed kirk acting as joint-commissioner for Lothian in 1579 and on a series of judicial commissions thereafter. Not afraid to confront the king and willing to speak out in defence of the kirk, Johnston was imprisoned in 1584 for failing to accede to the king's wishes concerning episcopacy. Like Chalmers, he was later rehabilitated and re-admitted by Francis, earl Bothwell, to part of the provostry dues.<sup>40</sup> During the period of patronage of Francis Stewart, the fruits of 'the auld kirk' of Crichton were held by John Hessilhope and then his son, James - local family men, strongly linked with the previous earls.<sup>41</sup>

Of the eight initial and one supplemental prebendaries of Crichton, only Ford does not survive in record after the reformation, although an unnamed prebend was held by David Turnbull and then Charles Douglas in the late 1570s.<sup>42</sup> Of the remaining eight prebendaries, two - St Kentigern (worth £8) and the Hackerston (funded by an old Hackerston family tenement in Edinburgh) - were held co-jointly with the provostry by Adam Johnston.<sup>43</sup> In 1573, Johnston feued the Edinburgh tenement to John Johnston, the son of Johnston of Elphinston.<sup>44</sup> These two prebends had practical applications: the prebend of the Grammar School,<sup>45</sup> funded from Halkerston and worth £16, was held by Adam Johnston as provost from

<sup>39</sup> Haws (ed.), *Parish Clergy*, 51; Laing, D (ed.), *Miscellany of the Wodrow Society* (Wodrow Society, 1844), 370; *Fasti*, i, 311-2; Watt (ed.), *Fasti Medii Aevi*, 350. Fala was within the patronage of hospital of Ednam and Soutra within the patronage of Trinity College, Edinburgh.

<sup>40</sup> For his career, see Haws (ed.), *Parish Clergy*, 51; *Fasti*, i, 311-2; *BUK*, 266, 300, 436, 471, 475, 487, 513, 523, 537, 545, 552, 578, 589, 614, 621, 646, 655, 667-8, 689-91, 700, 706, 709, 724-7, 757, 765, 777, 800, 859; *Calderwood*, iii, 524, 577, 682, 708; iv, 211, 351, 549-50, 569, 583, 617, 620, 629, 633, 652, 666, 671, 684, 687; v, 65, 111, 396.

<sup>41</sup> SRO, PS1/54, f. 2v.

<sup>42</sup> *RSS*, vii, no 2116; *contra* Cowan & Easson, who state there were thirteen prebends. The confusion is the result of dual names for a number of prebendaries, Cowan & Easson, 217-8.

<sup>43</sup> *RMS*, iv, no 2169. While the prebend of Crichton (one of the eight original prebends of Crichton collegiate church) does not appear after the reformation, a prebend of St Kentigern - the dedicatory saint of Crichton kirk - is recorded. It is, therefore, probable that the prebends of Crichton and St Kentigern were one and the same, see Cowan & Easson, 218.

<sup>44</sup> *RMS*, iv, no 2169.

<sup>45</sup> The prebendary of the Grammar School had been founded as the prebendary of Halkerston by Thomas Halkerston, provost of Crichton, in 1488, and endowed from tenement lands within Edinburgh, SRO, PS1/60, f. 65v; Cowan & Easson, 218; *RMS*, iv, no 2169.



1570 until 1574.<sup>46</sup> In October 1589, was confirmed to Alexander, son of John Andrew, writer.<sup>47</sup> The prebend of the Sang School, which was also funded by the revenue from the Edinburgh tenement was granted to Richard Kene, son of Mr John Kene, writer, in March 1585,<sup>48</sup> and confirmed in October 1589 (following one of the king's revocations).<sup>49</sup> Both Andrew and Kene were about to undertake study at university and the prebendary dues were to be used to support them.

Four of the remaining prebends - Arniston, Middleton (*primus* and *secundus*) and Vogrie - were situated in the west of Crichton parish and were eventually disjoined from Crichton to form Borthwick parish in April 1596.<sup>50</sup> As a general rule, the lands of the prebends were heritably held by local families closely linked to the earls Bothwell, although, on occasion, they were utilised to supplement royal patronage or support for students purposing to attend university.<sup>51</sup>

The final two recorded prebendaries of Crichton - St Magdalene and Whithouse (previously Ogston) - were also held by local families.<sup>52</sup> The dues of St Magdalene had been irregularly, if ever, paid to the comptroller and, as a result, during Morton's regency, the fruits were granted to the widow and children of John Scarlett, for nineteen years. Scarlett had been a mason

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<sup>46</sup> *RMS*, iv, no 2169. The foundation of the prebend is confused: Watt notes Halkerston as provost only from 1501, however Cowan & Easson maintain the prebendary is first recorded on 13 October 1488 - around the same time as Patrick Hepburn received his earldom - which may be significant, Watt (ed.), *Fasti Medii Aevi*, 350; Cowan & Easson, 218.

<sup>47</sup> SRO, PS1/60, f. 65v; E2/15, f. 7r.

<sup>48</sup> SRO, RH6/2783.

<sup>49</sup> SRO, RH6/3026; PS1/60, f. 65v; E2/15, f. 7r.

<sup>50</sup> *RMS*, vi, no 425. The two original prebends of Middleton appear to have been co-joined prior to the reformation and existed as one holding, worth £40. The prebend of Vogrie had been known previously as Lochquarriot and was worth £20, *Thirds of Benefices*, 27, 147; *Books of Assumption*, 109.

<sup>51</sup> SRO, PS1/38, f. 111v; PS1/62, f. 163v; PS1/63, f. 54v; PS1/64, f. 180r; PS1/66, f. 49v; E2/15, ff. 195v, 242v; *RSS*, iv, no 1529; v, nos 852, 1737, 1756, 2531, 2769; *RMS*, vi, no 91; *Books of Assumption*, 108; *Thirds of Benefices*, 91. Robert Hoppringle, prebendary of Arniston, may have served as vicar of Lennel in the 1570's, Haws, C H, 'The diocese of St Andrews at the reformation', *RSCHS*, xviii (1972), 124.

<sup>52</sup> NLS, MS 3245; SRO, PS1/64, f. 20v; *RSS*, vi, no 1975. The family of Newton in Crichton held the prebendaries of Arniston and St Magdalene.



working in the siege trenches of Edinburgh Castle in 1573 when he died under fire. The fruits of the prebend were to be used to further his children's education.<sup>53</sup>

Markle collegiate church was possibly another collegiate church within the patronage of Bothwell. It was dedicated to St Mary, and reputed to have been founded around about the same time as the ennoblement of Patrick Hepburn as lord Hailes.<sup>54</sup> Who the founder was, or whether the chapel was really meant to become collegiate, is uncertain. However, by 1456, lands held of lord Hailes were being regranted or exchanged for other lands within the lordship of Hailes with provisions for the *reddendo* to be granted to the chapel of St Mary of Markle.<sup>55</sup> From 1511, references are extant which refer to collegiate status as well as to provosts and prebendaries.<sup>56</sup> At the reformation, Robert Kemp was noted as holding the chaplainry 'known as the provostry' which would seem imply some continued dubiety.<sup>57</sup> John Carkettle, a resident in Markle, was accused of saying mass there in the early days after the reformation,<sup>58</sup> and a provost and prebendaries were again mentioned in 1569 but how corporeal these were, and how effective any patronage by the earls Bothwell was is unclear.<sup>59</sup>

The three parish churches within the personal patronage of earl Bothwell in Haddingtonshire reflected the comital landholdings in the sheriffdom. The church of Hauch in East Linton was the most closely associated with the earls due to the proximity to Hailes Castle. George Hepburn, illegitimate son of Hepburn of Waughton held the parsonage dues - worth £233 6s 8d<sup>60</sup> - from the time of Patrick, third earl Bothwell until his death in 1585.<sup>61</sup> The parsonage

<sup>53</sup> RSS, vi, no 1975. At the end of the nineteen years, the prebend was granted to James Simpson, SRO, PS1/64, f. 20v.

<sup>54</sup> Cowan & Easson, 223-4.

<sup>55</sup> RMS, iv, no 1581; *Laing Charters*, nos 126, 140.

<sup>56</sup> Watt (ed.), *Fasti Medii Aevi*, 366; Cowan & Easson, 223-4.

<sup>57</sup> *Books of Assumption*, 161. For further discussion on the nature of Markle, see Watt (ed.), *Fasti Medii Aevi*, 366.

<sup>58</sup> BUK, 6.

<sup>59</sup> Cowan & Easson, 224.

<sup>60</sup> *Thirds of Benefices*, 28, 93, 150, 274; *Books of Assumption*, 170, 174.

<sup>61</sup> *Fasti*, i, 375; *Wodrow Miscellany*, 371.

lands had been set in tack to the Hepburns of Waughton since, at least, the 1530s.<sup>62</sup> George Hepburn was closely associated with Francis Stewart, fifth earl Bothwell, and offered both a link with the past and unrivalled experience of administration in Haddingtonshire. George Hepburn had been a pre-reformation vicar but conformed and was declared 'apt and able' to administer his charge in 1560.<sup>63</sup> Although not nationally prominent, he was central to the advancement of other members of the Hepburn kindred and their close associates within the parish.<sup>64</sup> On the death of George Hepburn, Francis Stewart presented Robert Hepburn of Duntarvy (also styled of Magdalens and Ford) to the vacant benefice.<sup>65</sup> An illegitimate son of Hepburn of Whitsome, Robert, mirrored the blend of the old and the new within the Bothwell earldom: while he was married to a relative, Elizabeth Hepburn, he acted as master of household to the fifth earl and his two daughters and co-heirs were married into prominent members of the Stewart kin-group.<sup>66</sup> Active in the reformed church, Robert Hepburn received various commissions, most notably against jesuits in 1587 and against the Brig o' Dee rebels in 1590.<sup>67</sup> Despite this, there is little recorded conflict between Robert Hepburn and earl Francis (one of the same Brig o' Dee rebels) and indeed Robert Hepburn continued to serve the earl as his master of the household until the latter's exile.<sup>68</sup>

The parish church of Oldhamstocks on the Lothian/Berwickshire border had, prior to the reformation, been a prebend within Dunglass collegiate church. The prebend had been established by Patrick Hepburn of Hailes in 1450 and was closely associated with the

<sup>62</sup> 'Letters to Agnes, countess of Bothwell', *Bannatyne Miscellany*, iii, 287-9. The Hepburns of Waughton also had a family aisle within the church.

<sup>63</sup> *BUK*, 4; *Calderwood*, ii, 46.

<sup>64</sup> The feu of the kirklands was held by Adam Hepburn of Smeaton, *RMS*, iv, no 2696, and his relative, David Hepburn, acted as reader in the parish from, at least, 1574-6. Thomas White received a pension for the vicarage dues, Haws (ed.), *Parish Clergy*, 163; *Wodrow Miscellany*, 371; *Fasti*, i, 375, 414. For links with the town of Haddington, see SRO, GD1/39/57.

<sup>65</sup> *Fasti*, i, 375.

<sup>66</sup> *ibid.*, 375.

<sup>67</sup> *BUK*, 709, 724, 729, 777, 796, 799, 800; *Calderwood*, iv, 210, 247.

<sup>68</sup> See chapter 8.



patronage by the earls Bothwell.<sup>69</sup> Thomas Hepburn, pre-reformation parson, conformed to protestantism at an early stage and was a servant of the third, fourth and fifth earls Bothwell.<sup>70</sup> He continued in the benefice worth £186 13s 4d annually and was active as a reformed minister and as reader, exhorter and minister within his own church.<sup>71</sup> Like George Hepburn, parson of Hauch, he represented a close link with the Hepburn heritage and offered a range of experience. An illegitimate son of Alexander Hepburn of Whitsome, he was brother to Robert Hepburn, later parson of Hauch.<sup>72</sup> For a short period in 1567, he was also in high favour at court: he proclaimed the banns of marriage between Bothwell and Mary and, as a reward, was appointed master of requests on the wedding day.<sup>73</sup> Occasionally unconventional, he was captured with the Casket Letters in 1567 and attempted to seize Dunbar Castle for the queen on her escape from Lochleven.<sup>74</sup> Forfeited in the succeeding parliament,<sup>75</sup> he was later deprived for heresy for preaching that 'no soul enters heaven until the last judgement'.<sup>76</sup> He was temporarily replaced as parson and minister by David Home, later minister of Coldingham,<sup>77</sup> but was restored in 1577 when he returned to his ministry and also to teaching in the parish grammar school.<sup>78</sup> On his death in 1584, he was succeeded by his son, also Thomas Hepburn. The younger Thomas Hepburn initially received the parsonage and vicarage revenue of Oldhamstocks to support his studies, however, before long, he also acquired a prominent position within the affinity of Francis Stewart.<sup>79</sup> Close family patronage within Oldhamstocks was not restricted to the parsonage alone - in 1568, even after the fall of James,

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<sup>69</sup> Cowan & Easson, 219; HMC, *Twelfth Report*, app. viii, 127, 128.

<sup>70</sup> *Fasti*, i, 412; *BUK*, 4; SRO, GD206/1/1.

<sup>71</sup> *Thirds of Benefices*, 28, 93, 151, 274; *Books of Assumption*, 166, 171; *Fasti*, i, 412; *BUK*, 4, 18, 115, 150, 374-6; *Calderwood*, ii, 46, 187, 363, 373; Haws, 'Diocese of St Andrews', 125.

<sup>72</sup> *Scots Peerage*, ii, 145.

<sup>73</sup> Gore-Brown, *Lord Bothwell*, 365.

<sup>74</sup> *Fasti*, i, 412.

<sup>75</sup> *RSS*, vi, no 334. The escheat of his goods was gifted to Samuel Cockburn of Templehall, son of Cockburn of Ormiston.

<sup>76</sup> *Fasti*, i, 412; *BUK* 374-6.

<sup>77</sup> *Wodrow Miscellany*, 372; Haws (ed.), *Parish Clergy*, 193. See also, pages 327, 360-2. It is unrecorded if any of these readers received the vicarage dues.

<sup>78</sup> *RSS*, vii, no 1162.



earl Bothwell, his relative, John Hepburn, continued to serve the spiritual requirements of the parish and remained as reader within the parish until the post was later filled by Alexander Lauder and James Lamb, servitors to Francis Stewart.<sup>80</sup> The feu of the kirklands had been earlier granted to James Sinclair, son of James Sinclair, sheriff depute of Edinburgh - an example of a cross-over between office-holding in one area and benefits in another. This grant, which took place in 1564, was confirmed under the great seal as late as 1587.<sup>81</sup>

The final parish under Bothwell's personal patronage in Haddingtonshire was Morham. Prior to the reformation, Morham had been a prebend of Bothans collegiate church under the specific patronage of the earls Bothwell.<sup>82</sup> In the 1570s, the parsonage was held by Thomas Gotherall, a reformed priest, who also served as vicar of Stow and Smailholm.<sup>83</sup> The spiritual charge - worth £50<sup>84</sup> - was administered by local men, with responsibilities elsewhere within Haddingtonshire.<sup>85</sup> This occasionally led to conflict as, in 1580, when John Morrison (also minister of Bothans, Garvald and Bara) was deprived 'for certain offences' but given license to celebrate divine offices within the province of Canterbury.<sup>86</sup> Morrison became curate of St Botolph's, Aldersgate, in London and was present at the funeral of James Lawson, a Scottish presbyterian exile, in October 1584.<sup>87</sup> In 1589, a complaint was lodged that Daniel Wallace, then minister, ignored his own charge on the sabbath and frequented Hauch instead to hear the

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<sup>79</sup> SRO, GD90/1/198; GD90/1/199.

<sup>80</sup> *Fasti*, i, 412; Haws (ed.), *Parish Clergy*, 193.

<sup>81</sup> *RMS*, v, no 1217; *Laing Charters*, nos 766, 774.

<sup>82</sup> Cowan (ed.), *Medieval Parishes*, 152.

<sup>83</sup> Haws, 'Diocese of St Andrews', 122.

<sup>84</sup> *Thirde of Benefices*, 28, 274; *Books of Assumption*, 170-1.

<sup>85</sup> For example, John Morrison, minister in the 1570s and 1580s, also had responsibility for Bothans (in the patronage of lord Hay of Yester), Garvald (in the patronage of the nunnery of Haddington) and Bara (in the patronage of the commendator of Holyrood), *Fasti*, i, 378.

<sup>86</sup> Shaw, 'Inauguration of ministers', 51-2; Donaldson, G, 'Foundation of Anglo-Scottish union', *Elizabethan Government and Society, Essays Presented to Sir John Neale*, ed. S T Bindoff, (London, 1961), 306.

<sup>87</sup> *Wodrow Miscellany*, 452; Lippe, R (ed.), *Selections from Wodrow's Biographical Collections. Divines of North-east Scotland*. (New Spalding Club, 1890), 231; Shaw, 'Inauguration of ministers', 52-3; Donaldson, G, 'Scottish Presbyterian exiles in England', *RCHS*, xiv (1968), 74; see also MacDonald, 'The subscription crisis', *passim*..

service there.<sup>88</sup> As with the other benefices closely associated with the personal patronage of the earls Bothwell, Morham provided opportunities to patronise other Bothwell familiars with feus and offices. In the 1560s, Margaret Hepburn held the feus of the kirklands and, in 1578, these were granted to Patrick Edingtoun, a servitor of the newly installed earl.<sup>89</sup>

Of the smaller patronages, the patronage of the prebend of Pitcox involved earl Bothwell in complex relations with other south-eastern landlords.<sup>90</sup> Prior to the reformation, Pitcox had been a prebend within Dunbar collegiate church. While Dunbar was under the patronage of Alexander, lord Home, and later John Maitland, lord Thirlestane,<sup>91</sup> the prebendary of Pitcox was patronised by the earls Bothwell. By the 1570s, an interest in the prebend had also been exhibited by the Lauders of Bass, who then held the benefice,<sup>92</sup> and the Cockburn family, who held the feu of the lands.<sup>93</sup> Throughout the period, the church was served by a variety of clergy with other responsibilities in the region,<sup>94</sup> and, in 1590, Francis Stewart, as patron granted the prebendary to Mr William Kellie, son of John Kellie in Dunbar, following the demission of Alexander Cook, the earl's servitor.<sup>95</sup> It is unclear whether Burnhouse had ever existed as a separate foundation and the history of the chaplainry is slight. The feu of the kirklands was held by George Home of Prendergust.<sup>96</sup> Analysis concerning the continued use and patronage of the private (previously catholic) chapels of the protestant nobility within their castles still requires detailed study. In November 1584, Francis Stewart confirmed a feu-charter by the

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<sup>88</sup> *Fasti*, i, 378.

<sup>89</sup> *Thirds of Benefices*, 28, 274; *Books of Assumption*, 170-1; *RMS*, v, no 981.

<sup>90</sup> *RMS*, vi, no 268. Pitcox became the post-reformation parish of Stenton.

<sup>91</sup> SRO, PS1/56, f. 62v.

<sup>92</sup> *Thirds of Benefices*, 28, 89, 147, 274, 280; *Fasti*, i, 420. The prebends of Dunglass were valued between £7 and £20, Donaldson, G, 'The "new enterit benefices", 1573-1586', *SHR*, xxxii (1953), 95. In 1595, on the resignation of the duke of Lennox, the patronage of Pitcox was assumed by Lauder of Bass, *RMS*, vi, no 268.

<sup>93</sup> *RMS*, iv, no 2979.

<sup>94</sup> Patrick Cockburn, 1560-69, was also responsible for Haddington (within the patronage of prior of St Andrews); William Sanderson, 1568-74, was also responsible for Whittingham (within the patronage of the earl of March), *Fasti*, i, 420.

<sup>95</sup> SRO, GD224/887/19/2.

<sup>96</sup> *RSS*, vi, no 549.



deceased Walter Robertson (or Downie), the priest of the altar of St Michael the Archangel in the chapel in the castle of Hailes, to one of his tenants. The charter had originally been granted in August 1561 and the confirmation may tacitly reflect an acknowledgement of the secularisation of some aspects of patronage.<sup>97</sup>

The two kirks which Francis Stewart patronised within Berwickshire, as earl Bothwell, reflected the early centres of influence of the Hepburn family. Cockburnspath, prior to the reformation, had been a chaplainry pertaining to St Bathans Nunnery and little is recorded of a separate parish history before 1603. The only minister recorded during the period of patronage of Francis, earl Bothwell, was David Home. Home was also minister of Oldhamstocks and Auldcambus, both held under the patronage of the earl Bothwell.<sup>98</sup>

The church of Whitsome in Berwickshire, although part of the Bothwell patrimony, by the later sixteenth century, really existed within the spheres of influence of lord Home and the commendator of Coldingham. James, earl Bothwell, had gifted the parsonage to Mr James Seton not long after the reformation, and Seton continued to hold this benefice, and occasionally serve as minister of the parish, until 1589.<sup>99</sup> Several others clerics served Whitsome as ministers, although why there were so many fluctuations is not always apparent. In each case, the minister of Whitsome acted within a Berwickshire context and had responsibilities which extended beyond Whitsome parish. For example, Hugh Hudson, reader, exhorter and, later, minister of Whitsome was also responsible for the parish of Upsettlington under the patronage of lord Home; Andrew Winchester, minister of Whitsome from 1574, was also minister of Fishwick, under the patronage of the commendator of Coldingham; Thomas Ogilvy, from 1585, was minister responsible not only for Whitsome and Upsettlington but also for Hutton, again within the patronage of Alexander, lord Home, on this occasion as

<sup>97</sup> SRO, E14/2/260; *RMS*, v, no 759.

<sup>98</sup> Cowan (ed.), *Medieval Parishes*, 33; Cowan & Easson, 173; *Books of Assumption*, 120, 192-3; Haws (ed.), *Parish Clergy*, 43; *Wodrow Miscellany*, 372; *Fasti*, i, 403. See also, page 360-2.

<sup>99</sup> Haws (ed.), *Parish Clergy*, 247; *Fasti*, ii, 63.



patron of Dunglass collegiate church.<sup>100</sup> From 1586, Robert Hislop, who had been minister at Ayton (under the patronage of the commendator of Coldingham) served as minister at Whitsome. It seems probable that Francis Stewart, on his accession to the commendatorship of Coldingham, played some part in Hislop's change in responsibilities. In 1590, Hislop was given responsibility for Swinton (also within the gift of the commendator of Coldingham) although in 1595, he was back with Whitsome as his principal charge.<sup>101</sup> Bothwell's influence, however, was limited, as the feu of the kirklands - worth £100 - pertained to Home of Wedderburn.<sup>102</sup> Such sharing of responsibilities within a small area of lands demonstrates how, in the uncertain years following the reformation, co-operation and adaptability became watch-words for clerics and their patrons. With Alexander, lord Home, being a well known catholic, it is interesting to note that some of the clergy under his patronage also operated within other spheres and under other, more protestant, patrons.

The Lanarkshire kirks of Bothwell, like the ones in Berwickshire, also reflected past influence: Bothwell collegiate church had been founded by the earl of Douglas in 1398 and had been held by the earls Bothwell since 1488. The provostry of Bothwell was initially one of the offices in the gift of the earls Bothwell which they regularly granted to members of their own kindred or to close family friends: George Hepburn, bishop of the Isles had been provost from 1493 until 1499;<sup>103</sup> James Beaton, archbishop of St Andrews, between 1502 and 1503, and Alexander Hepburn of Kettleton had held the office from 1525 to 1534.<sup>104</sup> The period of

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<sup>100</sup> HMC, *Twelfth Report*, app. viii, 91; *Fasti*, ii, 63. Home had been granted the patronage of Dunglass in 1510. The wording of the grant stated he was to be patron of the provostry and prebendaries. This would appear to have been almost formulaic - the earls Bothwell, as demonstrated above, had patronage of one of the prebendaries and other local landowners may have exercised similar jurisdiction. It is important that such a reservation be borne in mind when considering the prebendaries which were (possibly technically) under the patronage of Francis Stewart at Bothwell, Crichton and Markle.

<sup>101</sup> *Fasti*, ii, 63.

<sup>102</sup> *Thirds of Benefices*, 24, 274, 279; *Books of Assumption*, 171, 195-6, 336.

<sup>103</sup> Sinclair, J (ed.), *The Statistical Account of Scotland*, 20 vols (reprint edn., Wakefield, 1978-83), vii, 55. Omitted from Watt (ed.), *Fasti Medii Aevi*, 345.

<sup>104</sup> Watt (ed.), *Fasti Medii Aevi*, 345.

disgrace endured by the third earl, however, meant that the Hepburn patronage of Bothwell came to a temporary end in both the temporal and ecclesiastical sphere. Prior to the reformation, various members of the Hamilton family seized the opportunity offered by the absence of Patrick, third earl Bothwell, to acquire the lands and fruits of the collegiate church. Generally, members of the Hamilton kindred, or their close associates, still held them fifty years later.<sup>105</sup>

The change in influence in the area around Bothwell also co-incided with the assumption of the regency by James Hamilton, duc de Châtelherault, on the death of James V in 1542. The Hamilton family already dominated central Scotland and held many of the temporal lordships in and around the lands possessed by Bothwell collegiate church, for example, Avendale, Stonehouse and Bertramshotts. Bothwell collegiate church was a wealthy benefice - the most important of the five collegiate churches in Lanarkshire - and offered opportunities for the Hamiltons to advance lesser family lines into a more prominent position in the region without affecting their own patrimony. The initial problems caused by the third earl were compounded by the fourth: in 1568 the crown exercised its right to present a minister to the vicarage of Bothwell when 'no one was presented by the patron within the time appointed by the law'.<sup>106</sup>

The provostry of Bothwell was held, from 1552 until 1594, by Mr John Hamilton, who had previously been the prior of Blantyre. Although not always in political favour,<sup>107</sup> Hamilton worked assiduously for the reformed kirk,<sup>108</sup> and co-ordinated Hamilton patronage within Bothwell collegiate church. Three ministers of the parish during his provostship were

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<sup>105</sup> For greater information on Hamilton patronage in Lanarkshire, see Finnie, 'The house of Hamilton', *passim*. Her belief that the Hamilton's were ultimate patrons of Bothwell collegiate church is erroneous, Finnie, 'The house of Hamilton', 12.

<sup>106</sup> Kirk, J, 'The exercise of ecclesiastical patronage by the crown, 1560-1572', *The Renaissance and reformation in Scotland*, edd. I B Cowan & D Shaw (Edinburgh, 1983), 106.

<sup>107</sup> Following the forfeiture of the Hamiltons in the 1560s, Mr David Cunningham acted as provost for some time, *RSS*, iv, no 1683; Watt (ed). *Fasti Medii Aevi*, 346.

<sup>108</sup> *Calderwood*, iv, 570; *BUK*, 667; *Fasti*, iii, 229-30.



Hamiltons,<sup>109</sup> and, in 1568, John Hamilton also received the dues of the vicarage of Bothwell which were valued at £6 13s 4d.<sup>110</sup> Despite the dominance of the Hamiltons in the area, the grants made of Bothwell patronage still required the consent of Francis Stewart - whether nominal or actual.<sup>111</sup>

Three other post-reformation parishes operated within the medieval patrimony of Bothwell collegiate church: the cure of Bertramshotts, was retained by John Hamilton until 1574, when it was granted to Thomas Hamilton, who held it until after Francis Stewart's disgrace.<sup>112</sup> The parish church of Bertramshotts was dedicated to St Catherine of Sienna but, in 1591, the synod of Glasgow complained that the parish church was still devoid of a choir.<sup>113</sup> The teinds of Stonehouse supported a minister, exhorter, reader and vicar. The teinds of the vicarage were granted, in 1560, to John Hamilton of Broomhill, who also held the prebendary dues - worth, in total, £92.<sup>114</sup> No minister is known until Robert Darnock in 1585, although a variety of exhorters, readers and vicars served the parish.<sup>115</sup> Darnock held the ministry for around a year, whereafter he was translated to East Kilbride.<sup>116</sup> He maintained links with the parish, however, and in August 1588 was appointed vicar pensionary, worth £6 13s 4d, by Francis, earl Bothwell.<sup>117</sup> Between 1586 and 1588, the parish was served by Archibald Norman, who, in the latter year, was translated to Strathaven. No further parish officials are recorded until Norman Law accepted the charge in 1591.<sup>118</sup> The teinds of Strathaven kirk supported a minister, reader and vicar. Mr David Cunningham (who had previously acted as provost of

<sup>109</sup> *Fasti*, iii, 229-30. Gavin Hamilton was also a prebendary of Bothwell, SRO, PS1/53, f. 122v.

<sup>110</sup> *RSS*, vi, 214; *OPS*, i, 53-6; Donaldson, "New enterit benefices", 94.

<sup>111</sup> SRO, RH6/2578; RH6/3004.

<sup>112</sup> Haws (ed.), *Parish Clergy*, 24-5; *Fasti*, iii, 276; *OPS*, i, 53, 505. Parsonage teinds were also held by John Hamilton, but whether these too were assumed by Thomas Hamilton is uncertain. Thomas Hamilton also held one of the prebendaries of Bothwell, but which one is uncertain, SRO, RH6/2120.

<sup>113</sup> *OPS*, i, 505.

<sup>114</sup> *RMS*, iv, no 1703; *Books of Assumption*, 511-3.

<sup>115</sup> *Thirds of Benefices*, 18, 19, 103, 163, 270; Haws (ed.), *Parish Clergy*, 225-6; *Fasti*, iii, 279-80.

<sup>116</sup> *Fasti*, iii, 279-80.

<sup>117</sup> SRO, PS1/57, f. 172r; E2/14, f. 146r; *Thirds of Benefices*, 18, 19, 103, 163, 270; *Books of Assumption*, 511-3.

<sup>118</sup> *Fasti*, iii, 279-80.



Bothwell)<sup>119</sup> was minister during the lifetime of James, fourth earl Bothwell, but by 1574 the position was vacant.<sup>120</sup> Alexander Hamilton acted as reader from 1576 until 1585 when he was translated to Glasford,<sup>121</sup> and there is no record of how the charge was served between that time and the appointment of Archibald Norman as minister in 1588. Norman served the parish for fifty-six years and was presented to the vicarage teinds by Francis, earl Bothwell on 17 October 1589 - part of a 'patronage package' dispensed by James VI to Bothwell and his associates before the king's departure to Norway. The vicarage dues, which had pertained to the reader,<sup>122</sup> and were worth £22 13s 4d were, in the 1570s and 1580s, utilised to support students in their progress through university.<sup>123</sup>

Bothwell collegiate church had eight Lanarkshire prebendaries: Cruikburn, Hazeldean, Kittymuir, Netherfield, Netherton, Newton, Overton and Stonehouse.<sup>124</sup> Significant change occurred within the patrimony of Bothwell collegiate church during the spring of 1543. For the first time, six of the eight Lanarkshire prebendaries feued their kirklands. All the grants were made to the same person, sir Andrew Hamilton of Ardoch, the captain of Hamilton Castle and master of works for the earl of Arran.<sup>125</sup> Five of the six grants included provision for his second wife and heirs.<sup>126</sup> At some point in the 1560s, however, probably on the death of Hamilton of Ardoch around 1565, the land pertaining to the prebendaries of Cruikburn, Netherfield, Newton and Overton were assumed by sir Andrew Hamilton of Silvertounhill.<sup>127</sup>

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<sup>119</sup> see page 329.

<sup>120</sup> Haws (ed.), *Parish Clergy*, 228; *Thirde of Benefices*, 18, 19, 92, 150, 261, 270; *Books of Assumption*, 603; *Fasti*, iii, 222; *OPS*, i, 103-5.

<sup>121</sup> *Fasti*, iii, 253.

<sup>122</sup> *Thirde of Benefices*, 18; *RSS*, iv, no 1732.

<sup>123</sup> SRO, PS1/60, f. 74v; *RSS*, vi, no 1157;

<sup>124</sup> In addition to their specific values, each prebendary had rights to a portion of the mill of Orbistoun, valued at £14 in 1573, Donaldson, "New enterit benefices", 94.

<sup>125</sup> *RMS*, iv, no 52, 53; *Thirde of Benefices*, 19, 267; Hamilton (ed.), *House of Hamilton*, 62. There is no record of Hamilton of Ardoch holding the lands of the prebendaries of either Overton or Stonehouse, although the possibility that he did so cannot be dismissed.

<sup>126</sup> Only Hazeldean did not include provision for Margaret Stewart, *RMS*, iv, no 52.

<sup>127</sup> *Thirde of Benefices*, 18, 267; *Books of Assumption*, 517; *OPS*, i, 54-5. He already held the lands of Overton and Newton from Hamilton of Finnart, Hamilton (ed.), *House of Hamilton*, 808. Some of

Those related to the prebendaries of Hazeldean, Netherton, Kittymuir and Stonehouse were acquired by James Hamilton, the half-brother of John Hamilton of Stonehouse.<sup>128</sup> Neither had any significant contact with their nominative patron, and, instead, they associated with and witnessed charters for John Hamilton, commendator of Arbroath, James Hamilton of Crawfordjohn and Avendale, and James Hamilton of Stonehouse.<sup>129</sup> In 1581, the surplus and back-payments of all the prebendaries of Bothwell collegiate church (with the omission of Hawick) were deemed forfeit and granted to James Weir, younger of Blackwood, due to repeated non-payment.<sup>130</sup> The king threatened that the prebendaries would remain in the hands of the crown until such time as 'ane just rentall thair of be gevin up'.<sup>131</sup>

Francis Stewart continued to consent to the appointment of nominal prebendaries: for example, in the mid 1570s (with the consent of his tutor, regent Morton) he granted the prebendary of Overton to William Weir, the son of Thomas Weir of Nether Kirkton; in 1577, he granted the prebendary of Stanehouse to John Weir, his brother; and by 1589 the prebendary of Overton was in the hands of Peter Collace, one of the earls closest household officers.<sup>132</sup> The Weirs, from Lanarkshire, were servants of George Douglas of Parkhead, but also had close connections with the earl of Morton and other Douglas lairds.<sup>133</sup> The granting of the prebendaries by Francis Stewart - although, in each case, only styled 'commendator of

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these lands were then sold on to other members of the Hamilton family, *RMS*, v, no 33; Hamilton (ed.), *House of Hamilton*, 808.

<sup>128</sup> Hamilton (ed.), *House of Hamilton*, 837; *Thirds of Benefices*, 270; *OPS*, i, 54.

<sup>129</sup> *RMS*, iv, nos 758, 1594, 1807; *RSS*, v, no 2523; vi, no 752; vii, no 380. For further details and relations with other members of the kindred see, *RPC*, iii, 61, 156-7, 171, 187, 663; iv, 358, 359, 547; Finnie 'House of Hamilton', 3-28.

<sup>130</sup> *RSS*, viii, no 154. James Weir, younger of Blackwood, had stood surety for a number of Hamilton cautions, *RPC*, iii, 187, 188, 220; iv, 630, 710. He also stood caution in border causes, *RPC*, iii, 348, 371, and, like his father, acted as procurator for George Ramsay of Dalhousie, *RPC*, iii, 321, 330.

<sup>131</sup> *RSS*, viii, no 154. In 1591, Robert Hamilton, his son, and James Weir, who had succeeded to Blackwood, acted as cautioners in the same legal case - that tenants of the lands in Avendale should not be persecuted by other members of the Hamilton kin. It is therefore apparent that the political patronage of 1581 may have represented less of a threat and more of a 'holding motion' in that there was no real intention of a true re-allocation of tenure, *RPC*, iv, 630.

<sup>132</sup> *SRO*, GD1/497/2; *RSS*, vii, no 1322; *SRO*, RH6/3004.

<sup>133</sup> *RSS*, vii, no 1529; *RPC*, iii, 504, 506.



Kelso' - was an attempt to exercise part of his heritable rights as earl Bothwell. Each presentation also had a deeper significance - in each case, regent Morton utilised the earl Bothwell's patrimony to further his own ends at the expense of the Hamiltons (who had been forfeited in 1579). It must be noted that insufficient is known of the complex personal relationships of the time: in 1587, James Hamilton of Liberton, stood caution of 1,000 merks for William Weir's brother that he would not attack William Livingston of Jerviswood.<sup>134</sup> Whether the grant to William Weir affected the collection of the teinds is uncertain, as in 1581 they were again deemed unpaid and granted to James Weir, younger of Blackwood.<sup>135</sup>

Similarly to Bothwell, the other parish kirks patronised by Francis, earl Bothwell, within Lanarkshire - Dolphinston and Walston - reflected temporal influence. Both parishes adjoined the barony of Dunsyre, which had been alienated to Kelso Abbey as early as the twelfth century and was unavailable for comital patronage. In the parish of Dolphinston, itself, during the late-sixteenth century, there was little opportunity for patronage by Francis Stewart. John Cockburn held the parsonage fruits - worth £50<sup>136</sup> - from the reformation until his death in 1592. At that time, Archibald Douglas (Bothwell's step-father?) was presented to the parsonage,<sup>137</sup> but, within a fortnight, he was succeeded by John Kellie who held the benefice with effect from the death of Cockburn.<sup>138</sup> In the 1560s, the vicarage fruits were held by James Greg, and, from available records it appears he was succeeded by John Kellie, the parson.<sup>139</sup> The spiritual charge of Dolphinston was administered by Thomas Lindsay, (who was also responsible for Walston, under the patronage of earl Bothwell) and a variety of readers.<sup>140</sup>

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<sup>134</sup> *RPC*, iv, 239.

<sup>135</sup> *RSS*, viii, no 154.

<sup>136</sup> *Thirds of Benefices*, 17, 268; *Books of Assumption*, 504.

<sup>137</sup> *SRO*, PS1/63, f. 237v.

<sup>138</sup> *ibid.*, f. 248r.

<sup>139</sup> Haws (ed.), *Parish Clergy*, 63; *Thirds of Benefices*, 268; *Fasti*, i, 250, 263; *OPS*, i, 130.

<sup>140</sup> *Fasti*, i, 250, 263.

On the disgrace of James, earl Bothwell, in 1567, John, earl of Mar, was granted the right of patronage to Walston church in Lanarkshire.<sup>141</sup> By this time, the kirklands had already been feued to the tenants of the lands: Michael Leishman, John Leishman, Laurence Leishman, Robert Young, Ninian Brown and 'their colleagues' living within the parish.<sup>142</sup> The grant to Mar was effectively a dead-letter as, one of the last recorded acts of patronage of James, earl Bothwell, had been to provide Walter Twedie, exhorter at Broughton to the vicarage. Uncertain of the legitimacy of this presentation, Twedie secured ratification in the name of the king in September 1567.<sup>143</sup> The parish was also served by a minister, John Fotheringham, and he, too, was well placed within the Bothwell patronage network, also serving Dolphinston (under the patronage of Bothwell), Skirling (under the patronage of Cockburn of Skirling, one of Bothwell's closest supporters) and Dunsyre (within the patronage of Francis Stewart, James Hepburn's nephew, as commendator of Kelso).<sup>144</sup> With the grant to Francis Stewart of the Hepburn heritage in December 1567, the previous grant to Mar lapsed and, when a new minister for the charge was required in 1580, Thomas Lindsay was provided to the charge by James VI.<sup>145</sup>

The border kirks under the patronage of Francis, earl Bothwell, also closely reflected the influence of the earl's temporal landholding. The church of Ettletown pertained to the earls Bothwell through their title as lord of Liddesdale.<sup>146</sup> No ecclesiastical office holder is known to have been provided between the reformation and 1603.<sup>147</sup> The adjacent parish of Castletown (under the patronage of the abbot of Jedburgh as superior to the priory of Canonbie), was

<sup>141</sup> SRO, GD124/1/444; RSS, vi, no 73.

<sup>142</sup> *Thirde of Benefices*, 19, 190, 270; *Books of Assumption*, 499, 513; OPS, i, 131-2; RSS, vi, no 73.

<sup>143</sup> RSS, vi, no 10. See also Kirk, 'Ecclesiastical patronage, 1560-1572', 106. John Weir, reformed dean and commissary of Lanark had been presented to the vicarage in 1559, RSS, iv, no 1745, and still held the vicarage of Lanark as late as 1583, Watt (ed.), *Fasti Medii Aevi*, 181.

<sup>144</sup> *Fasti*, i, 263.

<sup>145</sup> RSS, vii, no 2106.

<sup>146</sup> Cowan (ed.), *Medieval Parishes*, 63.

<sup>147</sup> Haws (ed.), *Parish Clergy*, 83.



noted as 'all waist and payand na dewtie at this tyme' and it is likely that the church of Ettletown was in a similar position.<sup>148</sup> The parsonage and vicarage dues of Castleton were held, by 1574, by Martin Elliot of Braidlie, who still possessed them in 1591.<sup>149</sup> It is possible that someone similar from Liddesdale held the feus of Ettletown. In 1604, Ettletown, Castleton, Wheelkirk and Belkirk (two other adjacent parishes) were united as they were destitute of instruction and had lacked pastors since the reformation.<sup>150</sup>

In some respects, the medieval church of Ettletown had been replaced within the Bothwell sphere of influence by that of Hawick, an outlying prebend of Bothwell collegiate church. A much wealthier prebend than the eight other Bothwell prebends - worth £163 6s 8d<sup>151</sup> - it tended to operate separately from the Lanarkshire holdings and within a specific border context, being situated immediately north of Liddesdale in Teviotdale,<sup>152</sup> As a result of its location, before 1563, the teinds of the prebendary had been set to Janet Beaton, lady Buccleuch.<sup>153</sup> The prebendary and parson at the reformation, John Sandilands, continued to hold both positions until his death in 1583.<sup>154</sup> He was succeeded by William Fowler, one of the Castalian Band of poets around James VI and a personal attendant of earl Bothwell. Fowler was not religiously trained and, for him, the office was merely one of patronage. The ecclesiastical life of the parish was taken care of by a stipended minister, William Auchmoutie. Auchmoutie, himself, reflected the border nature of the charge, as he was also responsible for the parishes of Cavers Magna and Hassendene (within the patronage of the abbot of Melrose) and those of Kirkton and Wilton (within the patronage of the earl

<sup>148</sup> *Books of Assumption*, 221; *OPS*, i, 363-4.

<sup>149</sup> Haws (ed.), *Parish Clergy*, 39; *OPS*, i, 354. Haws implied Martin Elliot administered the spiritual charge but, as the person concerned was Martin Elliot of Braidlie, this would seem highly unlikely. More likely, it solely refers to holding of the feu of the kirklands.

<sup>150</sup> Goodman, 'Religion and warfare', 263.

<sup>151</sup> *Thirds of Benefices*, 81; *Books of Assumption*, 223, 263.

<sup>152</sup> Cowan (ed.), *Medieval Parishes*, 81.

<sup>153</sup> *Thirds of Benefices*, 81; *Books of Assumption*, 223, 263; *OPS*, i, 338-46.

<sup>154</sup> Haws (ed.), *Parish Clergy*, 105.

Bothwell).<sup>155</sup> The earl Bothwell's disgrace in the 1590s did not greatly affect Fowler and, in 1595, he was granted the crown thirds of the parsonage to augment his already considerable wealth.<sup>156</sup>

Also situated to the north of Liddesdale was the parish of Cavers Parva which, following the reformation, was also known as Kirkton. Besides William Auchmoutie, the parish was served by two other ministers during the period of Bothwell patronage. The first, George Douglas, was a university graduate and was provided to the parish in the name of James VI (lacking and earl Bothwell, as patron) in January 1568 - the grant clearly reflected the influence of that family within the geographical area and within central government.<sup>157</sup> He served as reader and then minister between 1569 and 1585 and held the parsonage and vicarage dues. He was followed in the charge by John Watson, of whom little is known.<sup>158</sup>

At the other end of Roxburghshire, the earl Bothwell also exercised patronage over Kirkyetholm. This parish co-incided with the earl's barony of Yetholm and, although never specifically mentioned in charters, was considered to have operated within the earl's patronage.<sup>159</sup> The parish was served by a series of readers, until 1578, when Thomas Aitken, who had been minister of Makerston, Ednam and Nenthorn, was presented. Aitken served the charge for a number of years but, at some point between 1585 and 1594, was deprived.<sup>160</sup>

In the 1581 *de novo* grant of the earldom to Francis Stewart provision was made for the patronage of Wilton kirk within Roxburghshire. Although Cowan notes the patronage as

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<sup>155</sup> *Fasti*, ii, 112.

<sup>156</sup> SRO PS1/67, f. 59r.

<sup>157</sup> RSS, vi, no 123; *Fasti*, ii, 129. The family of Douglas of Cavers were hereditary sheriffs of Roxburgh.

<sup>158</sup> *ibid.*, 129.

<sup>159</sup> Cowan (ed.), *Medieval Parishes*, 212. In 1491, the patronage of the kirk and lands of Kirkyetholm had been granted (separately from the lands of Townyetholm) to Robert Ker, apparent of Cesford, RMS, ii, no 2013. In 1494, the patronage of Kirkyetholm was sold by Andrew MacDowall of Makerston to Adam, second earl Bothwell, RMS, ii, no 2254. It is uncertain how he had obtained possession and it is possible that the patronage continued with the Kers of Cesford at the reformation.

<sup>160</sup> *Fasti*, ii, 94; OPS, i, 427-30.



pertaining to the earls Bothwell, it is uncertain if it had ever been recovered following the disgrace of the third earl in the 1550s when it had been granted to William Rutherford of Langnewton.<sup>161</sup> In 1586, Grisel Scott, lady Borthwick, and wife of William Caimcross of Colmslie, resigned the right of patronage of the rectory and vicarage of Wilton to Walter Caimcross, her brother-in-law.<sup>162</sup>

The church of Dalry in Wigtownshire was, in many respects, an outlying parish far removed from the centres of patronage of the earls Bothwell. It had, however, in conjunction with the barony of Ersiltoun, formed the very basis for Hepburn influence in the south-west for the preceding century.<sup>163</sup> Until his death in 1566, the parsonage - worth £220<sup>164</sup> - was held by John Hepburn, archdeacon of Teviotdale.<sup>165</sup> He granted a feu of the kirklands to John Hepburn, 'filia fratris' of Patrick, bishop of Moray.<sup>166</sup> This feu, worth £100, was later acquired by Fergus Aikman of Killochrig and another, worth £120, was acquired by John Gordon of Barkeocht.<sup>167</sup> These grants to local lairds reflected a subtle change in orientation of the parish following the reformation. No further Hepburns were provided to any clerical posts and, instead, the offices were filled by local men with other responsibilities in the surrounding area. From 1574 until 1580 the two ministers of the parish - James Preston and Andrew Gordon - were also responsible for Ballmaclellan, Kells and Partoun (under various patronages). Cuthbert Adair, exhorter in the 1560s and early 1570s, also came from a local family.<sup>168</sup> From 1580 until 1594, the minister of Dalry was James Hamilton, who also held a

<sup>161</sup> *RMS*, iv, no 482; Cowan (ed.), *Medieval Parishes*, 210. See above, page 52.

<sup>162</sup> *RMS*, v, no 1017.

<sup>163</sup> See above, page 73.

<sup>164</sup> *Thirds of Benefices*, 22; *Books of Assumption*, 605.

<sup>165</sup> Haws (ed.), *Parish Clergy*, 60; *Fasti*, ii, 406; Watt (ed.), *Fasti Medii Aevi*, 178-9; *Scots Peerage*, ii, 142, 150.

<sup>166</sup> *RMS*, iv, no 2789.

<sup>167</sup> *Books of Assumption*, 605. The lands were, in turn, sub-infeudated, for example to Andrew McMillan in Little Kirkland, *RMS*, v, no 2223.

<sup>168</sup> *Fasti*, ii, 406.

collegiate charge within Edinburgh.<sup>169</sup> On Bothwell's forfeiture, the patronage of Dalry was acquired by lord Ochiltree.<sup>170</sup>

commendator of Kelso, 1566-86, 1588-91<sup>171</sup>

Kelso was an extensive patronage. Since the abbey's foundation at Selkirk, by David I in 1118, it had been acquiring lands and patronage throughout Scotland. Although, by the sixteenth century, the patronage was not as extensive as it had once been, the abbey still represented one of the richest benefices in Scotland, worth approximately £4,000 in rentals alone.<sup>172</sup> Francis Stewart, as commendator, had patronage of thirty-seven parish kirks in eleven sheriffdoms. The main holdings were in Roxburghshire and Berwickshire, however, there were also considerable holdings in Dumfriesshire, Lanarkshire, Selkirkshire and Peeblesshire and odd parishes pertaining to Kelso in Linlithgowshire, Edinburghshire, Haddingtonshire, Ayrshire and Aberdeenshire.

In Roxburghshire, all the holdings were centred around Kelso, itself. The parish church of Kelso was closely associated with the abbey, and was ministered by a series of men with wider responsibilities: Adam Clark, the parish exhorter in the 1560s and early 1570s, was also reader at Nisbet (under the patronage of the commendator of Jedburgh); Paul Knox served the charge as minister and also Ednam (patronage of Coldingham), Makerston and Nenthorn (patronage of Kelso); John Howe served as minister, from 1576 until 1578, and was responsible for Sprouston, Maxwell (both under the patronage of Kelso) and Lempitlaw (under the patronage of Trinity collegiate church, Edinburgh); William Balfour, minister in the

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<sup>169</sup> *Fasti*, ii, 406.

<sup>170</sup> *RMS*, v, no 1904.

<sup>171</sup> For details of Kelso Abbey, other than patronage of kirks, see chapter 5.

<sup>172</sup> *Kelso Liber*, ii, 489-532; *Books of Assumption*, 222-43.



1580s, also took charge of Sprouston, Maxwell and Lempitlaw.<sup>173</sup> The vicarage and parsonage dues, worth respectively £166 13s 4d and £10, were appropriated by the abbey.<sup>174</sup>

The application of the ministry at Kelso could be seen to give an impression of how other Scottish parishes operated in the period between the reformation and the union of the crowns: the kirk made provision for its poor; administered fines for non-attendance on Sundays; maintained the fabric of the buildings (ensuring that the kirkyard wall was repaired so that animals would be kept out); and passed acts against fornicators, harlots and pilgrims. One of the ministers also complained that 'the town inhabitants keep Yule and other suspicious days and cease all work'.<sup>175</sup> Regardless of who was the patron and who was the minister, in some areas, old habits died hard.

Adjacent to Kelso were the parishes of Makerston, Maxwell, St James in Roxburgh and Sprouston. The feu of the kirklands of Makerston, in the period between the reformation and 1603, were held by three generations of the MacDowalls of Makerston, each granted under the commendatorship of Francis Stewart.<sup>176</sup> While, on one hand, this is in keeping with other granted feus, in that the lands now pertained to a prominent local family, on the other hand, it also rewarded a family who had been strongly associated with the earls Bothwell over the previous century. The spiritual charge was served, at the reformation, by Martin Rutherford.<sup>177</sup> He held the vicarage until 1574 when it was allocated to a newly provided reader, John Burnside.<sup>178</sup> Paul Knox acted as minister in 1574 and also had responsibility for Kelso, Ednam and Nenthorn (the final two within the patronage of Coldingham). Knox's successor, Thomas Aitken, also served Ednam and Nenthorn.<sup>179</sup> From 1579, the parish was

<sup>173</sup> Haws (ed.), *Parish Clergy*, 118; *Fasti*, ii, 70.

<sup>174</sup> *Kelso Liber*, ii, 508; Cowan (ed.), *Medieval Parishes*, 93-4; *Books of Assumption*, 108, 222-4, 228-30, 232-43.

<sup>175</sup> HMC, *Fourteenth Report*, app. iii, no 95.

<sup>176</sup> SRO, PS1/53, f. 109r; RSS, v, no 2940.

<sup>177</sup> Haws (ed.), *Parish Clergy*, 174; *Fasti*, ii, 78.

<sup>178</sup> RSS, vi, no 2540.

<sup>179</sup> Haws (ed.), *Parish Clergy*, 174; *Fasti*, ii, 78.

served by two further ministers: James Rutherford and William Paton.<sup>180</sup> The parsonage, worth £100, was appropriated to the abbey.<sup>181</sup>

The clergy that served Maxwell are unrecorded before 1576, when John Howe (previously at Kilmaurs?) took responsibility for the parish along with Sprouston, Kelso and Lempitlaw.<sup>182</sup> This combination of charges was not unique and the next minister of Maxwell, William Baxter, also was responsible for the same parishes.<sup>183</sup> In 1577, Francis Stewart granted a pension to Mr John Kene of part of the teinds of Maxwell (worth in total £66 13s 4d).<sup>184</sup> This grant was later increased to the whole teinds of Kelso.<sup>185</sup>

The church of St James within Roxburgh appears to have ceased to act as a parish church before the reformation, having been destroyed during the English raids of 1545.<sup>186</sup> Any more definitive statement that the church ceased to operate because of the English raids is dangerous: a vicar, Peter Ker, held the charge after 1545 and, on his death in 1550, another, Andrew Currie, was appointed.<sup>187</sup> The parsonage teinds continued to be collected, at least until 1574, and were worth £2 (which was appropriated to the abbey).<sup>188</sup>

From 1550 until 1588 the vicarage of Sprouston was in the hands of Patrick Bellenden, the brother of John Bellenden of Auchnoull, the justice clerk.<sup>189</sup> The parish closely matched the boundaries of the barony of Sprouston conquered by Bothwell in 1583. In the late 1560s, the teinds of the kirk were set to James, earl of Moray for £40, although they were later valued

<sup>180</sup> Haws (ed.), *Parish Clergy*, 174; *Fasti*, ii, 78.

<sup>181</sup> *Kelso Liber*, ii, 494; *Thirds of Benefices*, 25, 151, 283; *Books of Assumption*, 213, 223-4, 230, 232-4, 237-40, 242, 526.

<sup>182</sup> Haws (ed.), *Parish Clergy*, 176; *Fasti*, ii, 70; *OPS*, i, 445-9.

<sup>183</sup> Haws (ed.), *Parish Clergy*, 176; *Fasti*, ii, 70.

<sup>184</sup> *Kelso Liber*, ii, 509; *RMS*, v, no 1888; *Books of Assumption*, 222, 225-6, 230, 233-4, 237, 240, 242; Fraser, W (ed.), *Memoirs of the Maxwells of Pollock*, 2 vols (Edinburgh, 1863), i, p. xxiii.

<sup>185</sup> SRO, GD105/134.

<sup>186</sup> Cowan (ed.), *Medieval Parishes*, 175; *Fasti*, ii, 70; *OPS*, i, 455-61.

<sup>187</sup> *RSS*, iv, no 702. A similar implication is made that Moss Tower, just across the Tweed, was cast down in 1545 and unusable thereafter, RCAHMS, *An Inventory of Roxburghshire, with the Fourteenth Report of the Commission*, 2 vols (RCAHMS, 1956), i, 132. Other evidence shows that Moss Tower was still in use a century later, see below, page 412.

<sup>188</sup> *Books of Assumption*, 222, 224, 230, 232, 234, 236-7, 239-40.

<sup>189</sup> Haws (ed.), *Parish Clergy*, 223; *Fasti*, ii, 88; *OPS*, i, 436-43.



over £200.<sup>190</sup> Following Moray, the teinds were acquired by Ker of Whitemoor.<sup>191</sup> Spiritually, the charge was ministered by John Howe and William Baxter and a series of readers, at least some of whom held the vicarage as well.<sup>192</sup>

Also within Roxburghshire, but more remote, were the parishes of Hopkailzie,<sup>193</sup> and Mow. Two ministers of the parish of Hopkailzie, Patrick and William Sanderson,<sup>194</sup> held it in conjunction with Innerleithen and, as a result, it did not function as a separate parish during the period of Francis Stewart's patronage.<sup>195</sup> During John Maitland's brief commendatorship, James VI granted the feu of the temporalities to John Twedie.<sup>196</sup> From the late 1570s, Mow was served by a local man, Robert Ker, who was also responsible for Linton, Hownam and Morebattle (within various patronages). Thomas White - possibly a pensioner of Hauch - later acted as reader.<sup>197</sup> White received the vicarage, worth £13 6s 8d, shortly after accepting the charge.<sup>198</sup>

In Berwickshire, the eight parishes under the patronage of Kelso Abbey were all situated in the west of the county. The churches of Fogo, Gordon, Greenlaw and Haliburton, Home, Hordean, Langtoun, Nenthorn and Little Newton and Simprin formed a patrimony within the sheriffdom to rival that of Coldingham in the east. Despite the strong influence of the catholic lord Home within the region, by 1567, the planting of reformed ministers or readers had been carried out 'most successfully' compared to the rest of southern Scotland.<sup>199</sup>

<sup>190</sup> *Kelso Liber*, ii, 510-1; *Thirds of Benefices*, 25, 112, 286; *Books of Assumption*, 196-7, 222-5, 228-9, 232-42.

<sup>191</sup> *Thirds of Benefices*, 25, 112, 286; The teinds were later confirmed to the Kers of Whitemoor, by James VI, during the commendatorship of John Maitland, *RMS*, v, no 1461.

<sup>192</sup> Haws (ed.), *Parish Clergy*, 223; *Fasti*, ii, 88.

<sup>193</sup> Alternatively, Kailzie.

<sup>194</sup> Who was also responsible for Traquair.

<sup>195</sup> *Kelso Liber*, ii, 493; Cowan (ed.), *Medieval Parishes*, 91; *Books of Assumption*, 150, 224, 232, 234, 237, 240, 243; Haws (ed.), *Parish Clergy*, 166; *Fasti*, i, 274, 276; *OPS*, i, 224-6.

<sup>196</sup> *RMS*, v, no 1605.

<sup>197</sup> Haws (ed.), *Parish Clergy*, 186; *Fasti*, ii, 83.

<sup>198</sup> *RSS*, v, no 2129; *Kelso Liber*, ii, 511; *Books of Assumption*, 225, 232, 234, 235, 238, 240-1; *OPS*, i, 417-26.

<sup>199</sup> Goodman, 'Religion and warfare', 262.

The teinds of Fogo, worth approximately £120, were feued to Alexander, lord Home, the most important resident in the area, by 1562.<sup>200</sup> Home influence was strong in Fogo and, in the 1580s, John Home, minister of Langtoun (within the patronage of Kelso) was responsible for the charge.<sup>201</sup> The influence of Francis Stewart was also felt within the parish, however: in 1577, the teind wheat of Fogo was granted to Mr John Kene in the form of a pension,<sup>202</sup> and, early in 1591, William Sinclair was presented to the vicarage by Francis Stewart. This presentation may have been unsuccessful as later in the year George Manderston is noted as holding the vicarage dues.<sup>203</sup> One of Francis Stewart's last acts of influence must have been the translation of William Methven from Swinton (within the patronage of Coldingham) to Fogo on 12 May 1591, probably on promise of patronage. Methven was possibly known to Francis Stewart from his time in St Andrews and was married to Agnes Cockburn, the widow of James Craig, sheriff clerk of Berwick.<sup>204</sup>

Like so many of the other kirks in Berwickshire patronised by Francis Stewart, the parish of Gordon was firmly within the Home sphere of influence. By 1562, lord Home had acquired the parsonage teinds, worth approximately £45.<sup>205</sup> In 1574, some of the parsonage and vicarage dues were granted in the form of a pension to William Home in Bassinden, the son of Home of Coldenknowis.<sup>206</sup> This pension was confirmed by Francis Stewart in 1578 and made heritable by the same in 1586, when the teinds of Gordon were granted to William Home and his son, George - who was a servitor to the earl.<sup>207</sup> The remainder of the vicarage dues (worth £66 13s 4d in total)<sup>208</sup> supported the clergy in the parish - in the 1570s and 1580s, Robert

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<sup>200</sup> *Kelso Liber*, ii, 504-5; *RSS*, v, no 962; *Books of Assumption*, 223, 226, 231-2, 234-5, 237-8, 240-2; Haws (ed.), *Parish Clergy*, 90; *Fasti*, ii, 15. Fogo had previously been a separate cell, dependant on Kelso abbey, Cowan & Easson, 67; Cowan (ed.), *Medieval Parishes*, 67.

<sup>201</sup> *Fasti*, ii, 15.

<sup>202</sup> *RSS*, vii, no 1888.

<sup>203</sup> SRO, PS1/62, f. 51r; *Fasti*, ii, 15.

<sup>204</sup> *Fasti*, ii, 15.

<sup>205</sup> *Kelso Liber*, ii, 494-7; *RSS*, v, no 962; *Books of Assumption*, 223, 227-30, 232, 234-5, 238, 240-1.

<sup>206</sup> *RSS*, vi, no 2530.

<sup>207</sup> *RSS*, vii, no 1383; SRO, PS1/53, f. 79r; *RMS*, v, no 906.

<sup>208</sup> Haws (ed.), *Parish Clergy*, 101; *Fasti*, ii, 151.



French was minister and Archibald Fairbairn was reader and, in the 1590s, Duncan Walker was minister.

The teinds of Greenlaw, worth approximately £110, held by lord Home in 1562 were acquired by Thomas Ker, younger of Cesford soon after.<sup>209</sup> The teinds also provided a pension for William Shaw, worth £26 13s 4d.<sup>210</sup> The spiritual charge was administered by a series of readers and exhorters: Andrew Turnbull, Charles Home (styled chaplain of Haliburton and, also reader at of Home), John Auchinleck (a reformed friar from Haddington) and William Fraser (who served from 1570 until 1590).<sup>211</sup> Robert French, who was also responsible for Stichill, Gordon and Home (all within the patronage of Kelso) as well as Eccles (within the patronage of the prioress or commendator of Eccles - normally, a Home) ministered the charge from 1573 and held the vicarage worth £30.<sup>212</sup> Until 1585, Charles Home, a reformed friar from Dumfries, served as reader in the parish of Home.<sup>213</sup> The vicarage dues were worth £10.<sup>214</sup> The minister of the parish, Robert French, was responsible for Stichill, Gordon, Greenlaw and Eccles.<sup>215</sup> The teinds of the parish, in 1562, were held by Alexander, lord Home, however they later passed to Thomas Ker, son of Ker of Cesford.<sup>216</sup>

In the 1570s and 1580s Horndean<sup>217</sup> was served by Andrew Winchester as minister.<sup>218</sup> This was one parish within Berwickshire which appears <sup>to have been</sup> uninfluenced by the Homes. From 1567 until 1591 James Ross served as reader although whether he ever held the vicarage teinds,

<sup>209</sup> RSS, v, nos 962, 1003; *Kelso Liber*, ii, 497-503; *Thirds of Benefices*, 24, 163, 279, 285; *Books of Assumption*, 223, 226-8, 230, 232-5, 237-9, 241.

<sup>210</sup> *Thirds of Benefices*, 24, 163, 279, 285.

<sup>211</sup> Haws (ed.), *Parish Clergy*, 102; *Fasti*, ii, 18.

<sup>212</sup> RSS, vi, no 1937; *Thirds of Benefices*, 24, 163, 279, 285; *Books of Assumption*, 223, 226-8, 230, 232-5, 237-9, 241.

<sup>213</sup> Haws (ed.), *Parish Clergy*, 108; *Fasti*, ii, 94.

<sup>214</sup> Donaldson, "New enterit benefices", 96.

<sup>215</sup> Haws (ed.), *Parish Clergy*, 108; *Fasti*, ii, 94.

<sup>216</sup> RSS, v, nos 962, 1003.

<sup>217</sup> Alternatively, Howden or Ladykirk.

<sup>218</sup> Haws (ed.), *Parish Clergy*, 107; *Fasti*, ii, 53.

worth £20, is uncertain.<sup>219</sup> In 1569, the teinds of the parsonage and vicarage had been granted by Francis Stewart and his administrator, William Lumsden, to Robert Logan of Restalrig and his mother, Agnes Gray (who were close supporters of Bothwell in the 1580s).<sup>220</sup>

The parish of Langtoun was a going concern of the Cockburn family and they received several deeds of patronage, for example, William Cockburn of Chowslie acquired the feu of the kirklands in 1539 and Patrick Cockburn held the vicarage of Langtoun in the 1570s.<sup>221</sup> The family were deputed and administrators for the earls Bothwell within Berwickshire and the dual link with Francis Stewart must have strengthened the traditional friendship. The parish, like so many in the area operated within its local context and within the umbrella influence of the Homes: John Ramsay, exhorter in the parish after the reformation, also held responsibilities in Duns (under the patronage of Dunbar collegiate church);<sup>222</sup> Patrick Galt, minister in the mid-1570s was also responsible for Edrom (under the patronage of Coldingham); John Home, minister in the mid-1580s, held the charge only briefly, returning to Hutton (under the patronage of Dunglass collegiate church) from where he had initially been translated;<sup>223</sup> and William Methven, minister from 1586, had been translated from Hutton and was also responsible for Swinton (under the patronage of Coldingham).<sup>224</sup> It seems probable that throughout the later sixteenth century the parish of Langtoun was effectively joined with the parish of Simprin.<sup>225</sup> The parsonage of Simprin, worth approximately £40, was also set to the laird of Langtoun and paid in kind.<sup>226</sup> Any separate spiritual charge of the parish is

<sup>219</sup> *Kelso Liber*, ii, 494; *Books of Assumption*, 224, 232, 234, 237, 240; Haws (ed.), *Parish Clergy*, 107; *Fasti*, ii, 53.

<sup>220</sup> SRO, RH6/2160. The SRO handlist notes that the document was granted and signed by Francis Stewart, then aged six. The original document, however, betrays no indication that it was signed by the titular commendator.

<sup>221</sup> *Fasti*, ii, 21.

<sup>222</sup> Haws, 'Diocese of St Andrews', 126.

<sup>223</sup> John Home was also responsible for Fogo, under the patronage of the commendator of Kelso, see page 342.

<sup>224</sup> Haws (ed.), *Parish Clergy*, 155; *Fasti*, ii, 21.

<sup>225</sup> *Kelso Liber*, ii, 506; Cowan (ed.), *Medieval Parishes*, 182; Haws (ed.), *Parish Clergy*, 219; *Fasti*, ii, 61.

<sup>226</sup> *Kelso Liber*, ii, 506; *Books of Assumption*, 223, 226, 232-5, 237-42.



uncertain. In 1574, the readership was vacant and the charge was supervised by Andrew Winchester, minister of Fishwick (within the patronage of Coldingham). Although readers for the parish are known until 1580, it is unclear who served Simprin thereafter.<sup>227</sup>

The parish of Nenthorn and Little Newton was closely associated with Ednam (within the patronage of Coldingham) - all three ministers of the period: Paul Knox, Thomas Aitken and Duncan Walker, held both charges.<sup>228</sup> The teinds of the parish pertained to the Kers of Cesford.<sup>229</sup> The parish was also served by a series of readers, although it is unrecorded whether they received the vicarage dues - worth £13 6s 8d. The parsonage dues, worth £80, were appropriate to the abbey.<sup>230</sup>

The Dumfries-shire patronage of Kelso Abbey (apart from Dumfries, itself, and Carruthers) was all situated in the upland parishes to the north of Dumfries: Closeburn, Dumgree, Morton, Staplegorton and Trailflat. The records of the early ministry of Dumfries are fuller than many of the other border parishes for the period. Immediately after the reformation, the parish was served by Patrick Wallace, a conformed priest. He was succeeded, in 1563, by Alexander Auchinleck, who in turn was succeeded by Ninian Dalzell by 1567. When Dalzell was translated to Caerlaverock in 1574, Peter Watson accepted the charge. Watson had been translated from Markinch and was also responsible for Terregles, Troqueer and New Abbey in Dumfriesshire (under various patronages). When Watson was translated to Flisk in 1580, he was succeeded by James Bryson who, two years later, made way for Alexander Forsyth. Forsyth served for only a short period, being replaced by Hugh Fullerton,<sup>231</sup> who served the charge until 1601.<sup>232</sup> None of the ministers had any known direct relationship with Francis Stewart and seem to have operated within the context of Dumfries-shire and the south-west.

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<sup>227</sup> *Fasti*, ii, 61.

<sup>228</sup> Cowan (ed.), *Medieval Parishes*, 155; Haws (ed.), *Parish Clergy*, 188; *Fasti*, ii, 83.

<sup>229</sup> *RSS*, v, no 1003.

<sup>230</sup> *Kelso Liber*, ii, 494; *Books of Assumption*, 223-4, 232, 234-5, 237-42.

<sup>231</sup> Not the same person as Hugh Fullerton, minister of Kilmaurs, see page 356.

<sup>232</sup> Haws (ed.), *Parish Clergy*, 37; *Fasti*, iii, 284.

Such was not the case with the readers of the parish, who relied on the patron to present them to the vicarage for financial support. This was not always possible however: some of the parsonage and vicarage teinds (worth £100 in total)<sup>233</sup> had been assigned to James Cunningham as part of his pension from Lesmahagow<sup>234</sup> and, from 1579, Thomas Maxwell was vicar perpetual.<sup>235</sup> During his tenure, he granted feus of the kirklands to various local landowners and town burgesses.<sup>236</sup> In 1574, it was decided that all future presentations to chaplainries and altars within the parish church should be utilised to support students and, despite subsequent disputes, this appears to have happened.<sup>237</sup>

The church of Closeburn also operated within a local context: Mr James Ramsay, the minister from 1574 until 1585, was also responsible for Dalgarno, Kirkmahoe, Kirkmichael and Garvald (all held of various patrons).<sup>238</sup> The parish was also served by, at least, one reader, but subsequent clergy are not recorded.<sup>239</sup> The vicarage and parsonage dues, however, were utilised elsewhere. Although, initially assigned to James Cunningham as part of his pension,<sup>240</sup> in 1586, Francis Stewart granted a tack of forty shilling lands of the kirklands of Closeburn to Peter Collace, his household servant.<sup>241</sup>

The parsonage of Dumgree,<sup>242</sup> worth £5, was appropriated to the abbey.<sup>243</sup> In 1567 and 1574 both the ministry and readership of the parish were vacant.<sup>244</sup> Between this time and the

<sup>233</sup> *Books of Assumption*, 229, 232, 234, 237, 240-1, 243-4, 272, 279, 611; Donaldson, "New enterit benefices", 94.

<sup>234</sup> RSS, v, no 871; *Books of Assumption*, 229, 232, 234, 237, 240-1, 243-4, 272, 279, 611.

<sup>235</sup> RSS, vii, no 1963. One of the parish readers, John Sinclair, held the rights to the St Ninian's Altar until 1588, SRO, PS1/57, f 129v.

<sup>236</sup> RMS, v, nos 100, 130, 1644.

<sup>237</sup> SRO, PS1/42, f 41v; PS1/54, f. 55r; RSS, v, no 3076; vii, no 2703; RMS, iv, no 2246; Grierson, 'Sheriff court book of Dumfries', 161-3.

<sup>238</sup> Haws (ed.), *Parish Clergy*, 42; *Fasti*, ii, 309. At the Reformation, Dalgarno was held of Holyrood Abbey, Kirkmahoe of Glasgow Cathedral, Garvald of Fail Friary and Kirkmichael (which conformed to the Bothwell barony of the same name) of the archbishop of Glasgow. It is possible that, by the late 1570s, some of these patronages had changed.

<sup>239</sup> Haws (ed.), *Parish Clergy*, 42; *Fasti*, ii, 309.

<sup>240</sup> RSS, v, no 871.

<sup>241</sup> SRO, GD19/19; PS1/54, f. 41r.

<sup>242</sup> Alternatively, Dungrie.

<sup>243</sup> *Kelso Liber*, ii, 494; Cowan (ed.), *Medieval Parishes*, 52; *Books of Assumption*, 232, 234, 240.



forfeiture of Bothwell, John Sinclair was presented as vicar (probably in order to serve the parish either as minister or, more likely, reader). On his death, John Glover was presented to the vacancy.<sup>245</sup>

Until 1579, Morton was served, as reader and exhorter, by Archibald Menzies, a reformed prebendary of Lincluden, who also received the parsonage dues of Redkirk and Trailtrow (under different patronages).<sup>246</sup> Part of the parsonage teinds (£15 out of a total value of £25) were paid to James Cunningham as part of his pension from Lesmahagow.<sup>247</sup> Between 1567 and 1578, Robert Cass and then William Crichton, local men, successively served as readers.<sup>248</sup> In 1579, Archibald Douglas became reader, and was presented to the vicarage.<sup>249</sup> During his tenure, the vicarage lands were feued to Archibald Douglas in Morranhill and such patronage reflected the strong influence of the Douglasses of Drumlanrig in the area.<sup>250</sup> The minister, from 1580, came from another local family. Thomas Maxwell, who was also minister at Redkirk and reader at Dumfries, served the parish but excited local complaints due to the fact that he was permanently non-resident.<sup>251</sup> In 1592, following the disgrace of Francis Stewart, the kirk of Morton was dissolved from Kelso and placed under the patronage of James Douglas of Drumlanrig.<sup>252</sup>

In the remaining upland parishes, the parsonage of Staplegorton, worth £8, was appropriated to Kelso Abbey.<sup>253</sup> In 1551, the vicarage was granted to John Morton.<sup>254</sup> In 1567 and 1574

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<sup>244</sup> Haws (ed.), *Parish Clergy*, 70; *Fasti*, ii, 299.

<sup>245</sup> SRO, PS1/62, f. 134v; E2/15, f. 184v.

<sup>246</sup> Haws (ed.), *Parish Clergy*, 185-6; *Fasti*, ii, 321. Redkirk was held of the archbishop of Glasgow and Trailtrow of Trailtrow hospital (probably under the influence of Johnstone of that ilk who held adjacent lands.)

<sup>247</sup> *Kelso Liber*, ii, 493; *Thirds of Benefices*, 23, 93, 150, 290; *Books of Assumption*, 229, 232, 234, 237, 240-1, 243-4.

<sup>248</sup> Haws (ed.), *Parish Clergy*, 185-6; *Fasti*, ii, 321.

<sup>249</sup> RSS, v, no 1967.

<sup>250</sup> RMS, v, no 1487. James Douglas of Drumlanrig received the patronage of Morton kirk in 1594, following the forfeiture of Francis Stewart, NRA(S) 1275, no 61.

<sup>251</sup> *Fasti*, ii, 321.

<sup>252</sup> RMS, v, no 2034.

<sup>253</sup> *Kelso Liber*, ii, 493; Cowan (ed.), *Medieval Parishes*, 187; *Books of Assumption*, 224, 232, 234, 237, 240.

both the ministry and readership were noted as vacant and no provision to any office or benefice is recorded between that time and 1603.<sup>255</sup> Trailflat, from 1567 until 1591, was served by Andrew Renton as exhorter and reader. For these offices he received the vicarage dues.<sup>256</sup> The parsonage dues, worth £14, were initially appropriated to the abbey,<sup>257</sup> but, in December 1583, Francis Stewart, as patron of the parish, granted a tack of the teinds of the kirk to William Johnston and Marion Charterhouse, his spouse.<sup>258</sup>

In the one lowland parish in Dumfries-shire - Carruthers, in Annandale - no ecclesiastical office holder is known to have been provided between the reformation and 1603. It is possible that the population were served either by a resident clergyman or by a visiting clergyman from a nearby parish. If this was not the case, then why Carruthers church was not provided for is unrecorded and uncertain.<sup>259</sup>

Most of Kelso abbey's lands and patrimony within Lanarkshire centred around its dependent cell at Lesmahagow.<sup>260</sup> The commendator of Kelso, however, also had the patronage of a further five parishes within the sherifffdom: Carluke, Dunsyre, Symington, Wiston and Roberton. The tack of the parish kirklands of Lesmahagow, like so many of the Bothwell patronised lands in Lanarkshire, had been assumed by a member of the Hamilton family.<sup>261</sup> In 1585, however, Francis Stewart granted the teinds of Lesmahagow to David Collace of Auchinfarslie for his lifetime plus nineteen years.<sup>262</sup> The spiritual charge was administered by a series of ministers who operated within a Lanarkshire context: David Cunningham was also minister of Lanark (under patronage of Dryburgh Abbey), John

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<sup>254</sup> RSS, iv, no 1320; Haws (ed.), *Parish Clergy*, 223; *Fasti*, ii, 236.

<sup>255</sup> Haws (ed.), *Parish Clergy*, 240; *Fasti*, ii, 236.

<sup>256</sup> Haws (ed.), *Parish Clergy*, 238; *Fasti*, ii, 297.

<sup>257</sup> *Kelso Liber*, ii, 493; Cowan (ed.), *Medieval Parishes*, 199; *Books of Assumption*, 224, 232, 234, 237, 240, 244.

<sup>258</sup> RSS, viii, no 1699.

<sup>259</sup> See Cowan (ed.), *Medieval Parishes*, 29; Haws (ed.), *Parish Clergy*, 39; *Fasti*, ii, 252.

<sup>260</sup> For details of the priory of Lesmahagow, see chapter 4.

<sup>261</sup> RSS, v, no 1260.

<sup>262</sup> SRO, GD124/8/216.



Lindsay was also minister of Carstairs (patronage of Glasgow Cathedral) and John Lawrence also served Robertson (patronage of Kelso).<sup>263</sup> The vicarage was worth £66 13s 4d.<sup>264</sup>

Part of the parsonage and vicarage teinds of Carluke (worth £66 13s 4d)<sup>265</sup> pertained to James Cunningham as part of his pension of Lesmahagow.<sup>266</sup> He in turn granted the teinds to Robert Hamilton of Dalsell, reflecting the influence of that family within the area.<sup>267</sup> The parish was served by a series of readers and James Rait, minister at Lanark, had responsibility for the parish in the 1570s. He had, probably, replaced James Dobie who had been deprived in 1571.<sup>268</sup>

Dunsyre, although belonging to the Kelso patrimony, formed part of a cohesive block of Lanarkshire parishes patronised by Francis Stewart, earl Bothwell. Thomas Lindsay, the minister responsible for Dunsyre in 1574 was also minister for Walston, the adjoining parish, within the personal patronage of the earl.<sup>269</sup> In 1577, on the death of James Greg, Francis Stewart presented Robert Denholm to the vicarage, worth £20,<sup>270</sup> in order to support him as reader within the parish.<sup>271</sup> The previous reader had been James Kadie.<sup>272</sup> The parsonage dues, worth £10,<sup>273</sup> were appropriated to the abbey and the temporalities of the kirk were set in feu, firstly to Archibald Baillie of Auldston, and then, in 1578, to James Douglas of Wells, a prominent Morton supporter.<sup>274</sup>

Like the Lanarkshire lands of Bothwell collegiate church, the patronage of the kirk of Symington was monopolised by a local family. In this case, however, it was not the Hamiltons

<sup>263</sup> Haws (ed.), *Parish Clergy*, 159; *Fasti*, iii, 313; *OPS*, i, 110-15.

<sup>264</sup> Donaldson, "New enterit benefices", 96.

<sup>265</sup> *Kelso Liber*, ii, 493; *Books of Assumption*, 229-30, 232-3, 237, 239-41, 243-4.

<sup>266</sup> *RSS*, v, no 871.

<sup>267</sup> *ibid.*, no 1979.

<sup>268</sup> Haws (ed.), *Parish Clergy*, 37; *Fasti*, iii, 284; *OPS*, i, 115-7.

<sup>269</sup> Haws (ed.), *Parish Clergy*, 74; *Fasti*, i, 252.

<sup>270</sup> *Kelso Liber*, ii, 493; *Thirds of Benefices*, 18; *Books of Assumption*, 224, 232, 237, 240, 242, 509.

<sup>271</sup> *RSS*, vii, no 1054.

<sup>272</sup> Haws (ed.), *Parish Clergy*, 74; *Fasti*, i, 252; *OPS*, i, 128-9.

<sup>273</sup> *Kelso Liber*, ii, 493; *Thirds of Benefices*, 18; *Books of Assumption*, 224, 232, 237, 240, 242, 509.

<sup>274</sup> *RMS*, v, nos 1514, 2299.

but the Symingtons. In 1565, William Symington of Hardington held a tack of the teinds of the vicarage, worth £30.<sup>275</sup> In 1575, Robert Symington, his relation, was presented to the vicarage to support him in his rôle as reader in the parish.<sup>276</sup> In 1592, John Symington, the son of William, was presented to the vicarage although this must have been unsuccessful as, a year later, John Lindsay (who had served as exhorter and reader within the parish for the previous three decades) was presented to the same benefice.<sup>277</sup> The Hamilton family still had a strong influence in the parish, however and, in 1585, Francis Stewart granted a tack of the lands, fruits, teinds, emoluments and duties of the kirk to John Hamilton, parson of Crawfordjohn.<sup>278</sup> The parsonage dues, worth £12, were appropriated to the abbey.<sup>279</sup>

The early records for Wiston, in Lanarkshire, are sparse.<sup>280</sup> In 1579, Thomas Lindsay, reader within the parish, received the vicarage and parsonage dues, worth between £40 and £50.<sup>281</sup> He held them until 1592, and assisted Walter Halden, the minister in the parish from 1588 until 1590, when he was transferred to Coulter.<sup>282</sup> The minister of Roberton, from 1574, was John Lawrence, a reformed friar from Lanark, who also served the parishes of Douglas (within the patronage of the chapter of Glasgow) and Wiston (within the patronage of Kelso).<sup>283</sup> The parish also had a number of readers, some of whom held the vicarage worth £8.<sup>284</sup>

<sup>275</sup> Haws (ed.), *Parish Clergy*, 232; *Thirds of Benefices*, 18, 270; *Books of Assumption*, 224, 232, 234, 237, 240, 242, 244, 517; *Fasti*, i, 259-60; *OPS*, i, 144-6.

<sup>276</sup> *RSS*, v, no 360.

<sup>277</sup> *Fasti*, i, 259-60.

<sup>278</sup> SRO, PS1/51, f. 187v. No office holding is recorded for John Hamilton within the parish.

<sup>279</sup> *Kelso Liber*, ii, 493; *Thirds of Benefices*, 18, 270; *Books of Assumption*, 224, 232, 234, 237, 240, 242, 244, 517.

<sup>280</sup> The parishes of Wiston and Walstoun in Lanarkshire are frequently confused in the printed records, due to the similarity in parish names, the fact both were within the archdiocese of Glasgow, and the identical patron. In the sixteenth century both parishes tend to be called Wilstoun.

<sup>281</sup> *RSS*, v, no 2106; *Fasti*, iii, 321; *Kelso Liber*, ii, 493; *Thirds of Benefices*, 17, 270; *Books of Assumption*, 224, 232, 234, 237, 240, 242, 244, 507-8; *OPS*, i, 146-8.

<sup>282</sup> *Fasti*, iii, 321.

<sup>283</sup> Haws (ed.), *Parish Clergy*, 208; *Fasti*, ii, 309.

<sup>284</sup> *RSS*, vi, nos 2819, 2697; *Kelso Liber*, ii, 493; *Books of Assumption*, 213, 224, 232, 234, 237, 240, 242, 244, 526; Haws (ed.), *Parish Clergy*, 208; *Fasti*, ii, 309; *OPS*, i, 148-50.



The kirks pertaining to Kelso within Selkirkshire were some of the oldest pertaining to the abbey. Part of the vicarage of Selkirk was held by Andrew Ker of Cavers and, on his death, by his widow, Margaret Shaw, and son Thomas.<sup>285</sup> Under James Hepburn and Francis Stewart, the parsonage and vicarage dues, worth £266 13s 4d, pertained to Mungo Graham, servitor to James VI.<sup>286</sup> The ministers of the parish operated in a local context and were responsible for a variety of other parishes: John Scott for Ashkirk, Ettrick and Rankilburn; John Smith for St Mary of the Lowes, Ettrick and Rankilburn.<sup>287</sup> Another influence within the parish was the local Cranston family: Thomas holding the vicarage from 1574 and Michael operating as minister between 1580 and 1585.<sup>288</sup> Bothwell's step-son, the laird of Buccleuch, personally possessed the unappropriated patronage of Rankilburn. As Margaret Douglas had authority to control her son's patrimony until he came of age, this meant that Bothwell and his wife effectively could have laid claim to further patronage. However

at the period of the reformation it had so far declined both civilly and ecclesiastically, that it was united at different times with one or more of the old parishes<sup>289</sup>

This was not the case with the parish of Eckford (co-incidental with Margaret Douglas's terce barony of the same name). Although prior to the reformation, the parish had been under the patronage of Jedburgh Abbey, in March 1591, Francis Stewart was able to secure a grant of the kirklands to Alexander Cook, his servitor and notary.<sup>290</sup>

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<sup>285</sup> *Thirds of Benefices*, 26, 286.

<sup>286</sup> *RSS*, v, no 3044; *Kelso Liber*, ii, 514-8; *Books of Assumption*, 223-4, 230, 232, 234, 237, 240, 240.

<sup>287</sup> Ashkirk was under the patronage of Glasgow Cathedral, Ettrick under Melrose Abbey, St Mary of the Lowes (Yarrow) the Chapel Royal, Stirling.

<sup>288</sup> Haws (ed.), *Parish Clergy*, 218; *Fasti*, ii, 193-4; *OPS*, i, 267-76.

<sup>289</sup> Alternatively, Buccleuch. *OPS*, i, 265; Haws (ed.), *Parish Clergy*, 203; *Fasti*, i, 173; Cowan (ed.), *Medieval Parishes*, 168. It is not listed in *The Books of Assumption*.

<sup>290</sup> *RMS*, v, no 1837; Cowan (ed.), *Medieval Parishes*, 58. John Clerk acted as reader for the parish from 1572 until 1591, *Fasti*, ii, 109.

The parsonage of Bowden, worth £66 13s 4d,<sup>291</sup> was appropriated to the abbey, forming part of the commendator's income. From 1568, the vicarage dues, worth £20, were used to support the parish minister, Thomas Duncanson.<sup>292</sup> Duncanson, who was also minister of Lilliesleaf, Langnewton and Melrose,<sup>293</sup> served the parish until his death in 1635, assisted, on occasion, by a reader.<sup>294</sup>

The parsonage of Lindean,<sup>295</sup> of an approximate value of £22 10s, was appropriated to the abbey and paid in kind as three chalders of meal and one-and-a-half chalders (twenty-four bolls) of bere.<sup>296</sup> The vicarage, worth £40, was held from 1550 by Mr Robert Ker.<sup>297</sup> On his death in 1569, William Ker, the son of the laird of Linton and the minister of the parish, was presented to the vicarage.<sup>298</sup> He served the parish of Lindean until 1635. The parish, on occasion, was also served by a reader.<sup>299</sup>

Kelso had patronage over two kirks within Peebles-shire: Innerleithen and Linton. From 1563 until 1599, part of the vicarage of Innerleithen (worth £66 13s 4d in total)<sup>300</sup> was held as a pension by David Sinclair of Blans, a prominent supporter, and frequent official depute, to the fourth and fifth earls Bothwell.<sup>301</sup> The spiritual needs of the parish after the reformation were served, initially, by Patrick Sanderson as exhorter and reader (he held the vicarage dues), and then by William Sanderson, his son, as minister.<sup>302</sup> William Sanderson also looked after

<sup>291</sup> *Kelso Liber*, ii, 513-4; Cowan (ed.), *Medieval Parishes*, 22; *Books of Assumption*, 223, 225, 229, 231-2, 234-5, 237-8, 241-2; Haws (ed.), *Parish Clergy*, 30; *Thirde of Benefices*, 283; *Fasti*, ii, 171

<sup>292</sup> *RSS*, vi, no 95; Donaldson, "New enterit benefices", 94. Duncanson held the parsonage and vicarage of Lilliesleaf (within the patronage of the archbishop of Glasgow) which, with his vicarage of Bowden, gave him a stipend of £66 13s 4d, *Thirde of Benefices*, 283.

<sup>293</sup> Langnewton was within the patronage of the Abbot of Jedburgh; Melrose was within the patronage of the Abbot of Melrose.

<sup>294</sup> Haws (ed.), *Parish Clergy*, 30; *Fasti*, ii, 171; *OPS*, i, 287-90.

<sup>295</sup> Alternatively, Redden or Galashiels.

<sup>296</sup> *Kelso Liber*, ii, 512-3; Cowan (ed.), *Medieval Parishes*, 132-3; *Thirde of Benefices*, 25, 285; *Books of Assumption*, 223-4, 231-3, 235, 237-42, 264; *OPS*, i, 277-9.

<sup>297</sup> *Thirde of Benefices*, 25, 285; Haws (ed.), *Parish Clergy*, 162; *Fasti*, ii, 177.

<sup>298</sup> *RSS*, vi, no 718.

<sup>299</sup> Haws (ed.), *Parish Clergy*, 162; *Fasti*, ii, 177.

<sup>300</sup> *Thirde of Benefices*, 86; *Books of Assumption*, 229, 232, 234, 237, 240-1, 243, 247.

<sup>301</sup> *Fasti*, i, 274.

<sup>302</sup> Haws (ed.), *Parish Clergy*, 110; *Fasti*, i, 274; *Calderwood*, iii, 682; v, 110.



the charges of Hopkailzie (within the patronage of Kelso) and Traquair (within the patronage of the archbishop of Glasgow).<sup>303</sup> The parsonage teinds, worth £20,<sup>304</sup> were held by Thomas Ker of Ferniehurst by 1552, however, on his forfeiture for the slaughter of Scott of Buccleuch in 1552, the escheat of them was granted to David Stewart.<sup>305</sup> Later granted by Mary of Guise to James Cunningham as part of a pension, he in turn granted them to Ferniehurst.<sup>306</sup> Following the forfeiture of Cunningham in 1574, the escheat of the tack was purchased by George Auchinleck of Balmano.<sup>307</sup> At sometime thereafter, Francis Stewart, acting as commendator, issued a new tack to James, earl of Morton, of the parsonage teinds of Innerleithen. Morton feued these in turn to Archibald, earl of Angus and, on the execution of Morton in 1581, the escheat of tack was again purchased by Thomas Ker of Ferniehurst.<sup>308</sup>

Between 1563 and 1597, the vicarage of Linton,<sup>309</sup> worth £43 2s,<sup>310</sup> was held by Mark Ker, son of Ker of Linton.<sup>311</sup> The charge was served from, at least, 1574 until 1585 by Archibald Douglas who also had responsibility for Kirkurd (under the patronage of the chapter of Glasgow) and Newlands (under the patronage of Dalkeith collegiate church).<sup>312</sup> From an early date, the kirklands were in the possession of William Twedie, a burgess of Edinburgh.<sup>313</sup> After 1585, responsibility passed to Robert Ker, minister of Mow, who was probably kin with the Kers of Linton.<sup>314</sup> The parsonage, worth £100, was appropriated to the abbey.<sup>315</sup>

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<sup>303</sup> *Fasti*, i, 274.

<sup>304</sup> *Kelso Liber*, ii, 493; *Books of Assumption*, 229, 232, 234, 237, 240-1, 243, 247; *OPS*, i, 215-8.

<sup>305</sup> *RSS*, iv, no 1705.

<sup>306</sup> *ibid.*, v, no 871.

<sup>307</sup> *ibid.*, vi, no 2431.

<sup>308</sup> *RSS*, viii, nos 358, 393.

<sup>309</sup> Alternatively, West Linton.

<sup>310</sup> *Kelso Liber*, ii, 493; *Thirds of Benefices*, 25, 26, 283; *Books of Assumption*, 108, 251, 253; *OPS*, i, 188-91.

<sup>311</sup> Haws (ed.), *Parish Clergy*, 162-3; *Fasti*, i, 298.

<sup>312</sup> Haws (ed.), *Parish Clergy*, 162-3; *Fasti*, i, 298.

<sup>313</sup> *RSS*, viii, no 1765.

<sup>314</sup> *Fasti*, ii, 83.

<sup>315</sup> *Kelso Liber*, ii, 493; *Thirds of Benefices*, 25, 26, 283; *Books of Assumption*, 108, 251, 253.

The outlying parishes pertaining to Kelso, were the result of one-off benefactions by individuals. Caldercleir,<sup>316</sup> in Linlithgowshire, was one of the wealthiest and most important charges within the sherifffdom. From 1548 it was served by John Spottiswood, who was also minister in the adjacent parish of Calder Comitis.<sup>317</sup> Spottiswood held the parsonage, worth £185 5s 4d, and, for a time, the vicarage, worth £6 13s 4d. Following the reformation, he was chosen as superintendent of Lothian.<sup>318</sup> Unable to serve his charge fully, Spottiswood was assisted in Caldercleir by his son (who had been taught by Andrew Melville at Glasgow University),<sup>319</sup> Mr John Balfour (who held the vicarage from 1566 until 1582, probably, at sometime, as reader),<sup>320</sup> and Mr Samuel Wardlaw (who held the vicarage from 1582 until his deprivation in 1588, again probably as reader).<sup>321</sup> Mr William Strang, minister of Kirkliston, had oversight of the parish in 1574 and, from 1587 until 1593, Mr John Bell acted as minister.<sup>322</sup> Even after the death of superintendent Spottiswood in 1585, some position within Caldercleir was held by his son, also called John (possibly the parsonage revenues?).<sup>323</sup> Early in his life, the second John Spottiswood did not always favour royal policy, and was active within the reformed kirk - serving on a number of commissions, most notably against the Brig o' Dee conspirators of 1589.<sup>324</sup> In 1593, John Spottiswood succeeded as minister of Calder-

<sup>316</sup> Alternatively, East Calder.

<sup>317</sup> Cowan (ed.), *Medieval Parishes*, 25; Haws (ed.), *Parish Clergy*, 33-4; *Fasti*, i, 174; MacKay, A F, 'Pen Portraits of Fellow Reformers', *Papers Commemorating the Quater-centenary of the Scottish reformation* (Glasgow, 1960), 35-6.

<sup>318</sup> *Kelso Liber*, ii, 493; *Thirds of Benefices*, 27, 35, 41, 61, 72, 93, 141, 151, 274; *Books of Assumption*, 229, 232, 234, 237, 240; Donaldson, "New enterit benefices", 94.

<sup>319</sup> For further details of John Spottiswoode's early career, see Gordon, J F S, *Scotichronicon*, 3 vols (Glasgow, 1867), i, 363; Kirk, *Patterns of Reform*, 435; Lynch, M, 'Preaching to the converted?', *The Renaissance in Scotland*, edd. A A MacDonald, M Lynch and I B Cowan (Leiden, 1994), 304; Perry, J, *John Spottiswoode, Archbishop and Chancellor as Churchman, Historian and Theologian* (unpublished Ph.D., Edinburgh, 1950); MacDonald, A R *Ecclesiastical Politics*, 111. During his later career, Spottiswoode attempted to deny some of his earlier actions, most notably his anti-prelatic views of the mid-1580s, Perry, *John Spottiswoode*, 11.

<sup>320</sup> The readership was noted as vacant in 1574, *Wodrow Miscellany*, 366-7.

<sup>321</sup> SRO, PS/1/57, f. 139r; E2/14, f. 136r; RSS, viii, nos 890, 1324.

<sup>322</sup> Haws (ed.), *Parish Clergy*, 33-4; *Fasti*, i, 174; BUK, 722.

<sup>323</sup> BUK, 648, 765; Perry, *John Spottiswoode*, 10-11.

<sup>324</sup> BUK, 648, 765, 777, 796, 811, 863, 892; *Calderwood*, v, 583



cleir and, a year later, was presented to the vicarage.<sup>325</sup> At some point before 1589, a tack of all the teinds of the parish kirk of Caldercleir was granted by Francis, earl Bothwell, as commendator of Kelso, to Walter Stewart, commendator of Blantyre and keeper of the privy seal.<sup>326</sup>

The vicarage of the church of Duddingston, in Edinburghshire, was held, from the reformation until 1589, by William Blackwood, chaplain of Our Lady's Altar within Dunblane Cathedral. Blackwood had been a priest who conformed, however, as late as 1589 he suffered excommunication for his beliefs.<sup>327</sup> Part of the vicarage and parsonage lands were held by James Cunningham as part of his pension and others lands appear to have been held by the Kers of Linton (possibly in feu from Cunningham).<sup>328</sup> The parish existed within a local context: the teinds were held by Robert Ker, a burghess of Edinburgh,<sup>329</sup> John Brand, minister between 1564 and 1574 was also responsible for the Canongate parish church; and Ninian Hamilton, who was reader, exhorter and then minister of the parish between 1561 and 1583, also held the prebend of Railston, within the collegiate church of St Giles.<sup>330</sup> In 1588, Charles Lumsden, son of Andrew Lumsden, a burghess of Edinburgh was accepted to the charge as minister. A recent arts graduate, Lumsden was a regent at the newly established Edinburgh University and had married locally to Beatrice, the daughter of Robert Pont, provost of St Cuthbert's Kirk in Edinburgh.<sup>331</sup> In February 1589, Lumsden was presented to the vicarage, worth £20, by Francis Stewart.<sup>332</sup>

<sup>325</sup> *Fasti*, i, 174; SRO, PS1/66, f. 177r. John Spottiswood was appointed archbishop of Glasgow in 1603 and archbishop of St Andrews in 1615. In 1655, his *History of the Church of Scotland* was published.

<sup>326</sup> SRO, RD1/34, 103.

<sup>327</sup> Haws (ed.), *Parish Clergy*, 66; *Fasti*, i, 17-8.

<sup>328</sup> RSS, v, no 871; *Laing Charters*, no 1377.

<sup>329</sup> SRO, PS1/53, f. 70v.

<sup>330</sup> Haws (ed.), *Parish Clergy*, 66; *Wodrow Miscellany*, 368; *Fasti*, i, 17-8.

<sup>331</sup> Haws (ed.), *Parish Clergy*, 66; *Fasti*, i, 17-8; Dunlop, *Kirks of Edinburgh*, 234-6.

<sup>332</sup> SRO, PS1/59, f. 17r; E2/14, f. 205r; *Kelso Liber*, ii, 493; *Thirds of Benefices*, 27, 93; *Books of Assumption*, 99, 128, 223, 229, 232, 234, 237, 240-1, 243.

On 30 October 1539, the feu of the kirklands of Humbie was granted to James Lawson and his wife. From the available records, this would appear to be the first instance of feuing of specific kirklands from within the extensive patrimony of Kelso.<sup>333</sup> Part of the vicarage and parsonage dues of Humbie, in Haddingtonshire, had been assigned to James Cunningham as part of his pension of Lesmahagow by Mary of Guise.<sup>334</sup> In 1566, William Frank was presented to the vicarage by James, fourth earl Bothwell (acting as tutor to Francis Stewart?), and he held the position and operated as reader then minister until he was deprived in 1590.<sup>335</sup> Francis Stewart responded to the deprivation by presenting David Ogle, a recent graduate, to the vicarage in March 1591.<sup>336</sup> He too served as minister to the parish until transferred to Bara in 1594.<sup>337</sup> In 1580, Francis Stewart (or his agents) had presented some of the parsonage dues - worth £43 6s 8d - to Mr John Kene, writer, in the form of a pension.<sup>338</sup>

The church of Kilmaurs in Ayrshire also operated strongly within its local context: Gavin Naismith, the minister from 1574, was also responsible for Dreghom and Stewarton (within the patronage of the commendator of Kilwinning) and Hugh Fullarton, who replaced Naismith, was transferred to the charge from Largs.<sup>339</sup> The parish was also, from 1574 until 1598, served by a reader - Alexander Henderson - who held the vicarage dues.<sup>340</sup> These dues had previously provided a pension for John Spens of Condry, *æconomus* for Francis Stewart at Coldingham.<sup>341</sup> The parsonage dues were split between two other local men - David Cunningham of Robertland and Alexander Cunningham of Craiganis.<sup>342</sup>

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<sup>333</sup> RSS, ii, no 3195.

<sup>334</sup> RSS, v, no 871.

<sup>335</sup> RSS, v, no 3360; Haws (ed.), *Parish Clergy*, 117; *Fasti*, i, 375.

<sup>336</sup> SRO, PS1/62, f. 4r; E2/15, f. 104r.

<sup>337</sup> *Fasti*, i, 375.

<sup>338</sup> RSS, viii, no 1374; *Thirds of Benefices*, 28, 274; *Books of Assumption*, 161, 224, 228-30, 232-4, 237, 239-41, 243.

<sup>339</sup> Haws (ed.), *Parish Clergy*, 129; *Fasti*, iii, 112.

<sup>340</sup> RSS, vi, no 2302; Haws (ed.), *Parish Clergy*, 129; *Fasti*, iii, 112.

<sup>341</sup> RSS, v, no 1770.

<sup>342</sup> SRO, PS1/62, f. 56r.



The church of Peterculter, in Aberdeenshire, was the most far-flung parish within the Kelso patrimony and, as such was under considerable influence from the local presbytery. From 1542 until 1593, William Meldrum served as vicar perpetual, although in 1578 he was deprived for a time for non-conformity.<sup>343</sup> The fruits of the parsonage were held by the Irvings of Drum - another prominent local family.<sup>344</sup> In the 1560s and 1570s the parish reader, Alexander Robertson, was also a cleric within adjacent Maryculter and the minister responsible for the charge in 1574, John Graham, also served Drumoak. Richard Ross, minister from 1585 also was responsible for Drumoak.<sup>345</sup> The distance from Kelso, however, did not mean that the commendator saw no need to administer parish affairs. In 1580, Francis Stewart presented William Wallace to the vicarage - worth £26 13s 4d<sup>346</sup> - in order that he be supported when acting as reader within the parish.<sup>347</sup>

#### commendator of Coldingham, 1565-6, 1586-91

Francis Stewart formally possessed the commendatorship of Coldingham on two occasions. For a significant length of time during the 1580s, he also maintained that he possessed rights of patronage in opposition to Alexander Home of Manderston, the commendator, and Alexander, sixth lord Home, the chamberlain.<sup>348</sup> The priory of Coldingham, situated adjacent to the eastern border, held patrimony which extended to almost half of Berwickshire. The commendator of Coldingham was patron of eleven parish churches situated within the east march.

<sup>343</sup> *Thirds of Benefices*, 7, 227; Haws (ed.), *Parish Clergy*, 198-9; *Fasti*, iv, 71.

<sup>344</sup> SRO, GD105/132.

<sup>345</sup> Haws (ed.), *Parish Clergy*, 198-9; *Wodrow Miscellany*, 347; *Fasti*, iv, 71.

<sup>346</sup> *Kelso Liber*, ii, 493; *Thirds of Benefices*, 7, 227; *Books of Assumption*, 224, 232, 234, 237, 240, 242, 427.

<sup>347</sup> RSS, v, no 1422.

<sup>348</sup> For details of the priory of Coldingham, except patronage of its kirks, see chapter 5.

The influence the patronage of the earl Bothwell had within Coldingham is difficult to assess. He was initially appointed commendator by his aunt, Mary, on 15 July 1565, with power 'to nominat and elect ane prioure or priouris of the said abbacy als oft as he sall think expedient'.<sup>349</sup> <sup>As he was</sup> an infant at the time, the administration of the priory was carried out by an *œconomus*, John Spens of Condry, the queen's advocate, who had been in position since the preceding February.<sup>350</sup> Francis Stewart's tenure of the commendatorship was short, 'resigning' in February 1566.<sup>351</sup> In April, the commendatorship was granted to John Maitland, brother of the queen's secretary, Maitland of Lethington.<sup>352</sup> However, two days previously, the thirds of Coldingham had been granted to Francis Stewart in order to pay for his upkeep.<sup>353</sup> Even when Francis Stewart was commendator, the influence exerted by the various Home families within the area was considerable. For example, within the parish of Ayton - one of the parishes in which it is certain Francis Stewart exercised effective patronage - while Francis Stewart had patronage of the church and influence over the offices of parson and vicar, William Home of Ayton held the feu of the lands, and he, Home of Wedderburn, Logan of Restalrig and Auchincraw of Netherbyres were all patrons of a chaplainry within the kirk. Co-operation and adaptability were again necessary requirements to ensure satisfactory execution of religious services.

On 28 February 1587, John Maitland was confirmed in a grant of the commendatorship of Kelso which was the result of a deed of excambion with Francis Stewart for the commendatorship of Coldingham.<sup>354</sup> While Alexander Home had not always held the right to act as patron to Coldingham churches,<sup>355</sup> in 1586, Francis Stewart was re-granted (or re-

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<sup>349</sup> RSS, v, no 2182.

<sup>350</sup> *ibid.*, no 1932.

<sup>351</sup> *ibid.*, no 3245. As Francis Stewart was under five at he time, the resignation cannot be taken as anything other than a formality.

<sup>352</sup> *ibid.*, no 3431.

<sup>353</sup> *ibid.*, no 3424.

<sup>354</sup> SRO, PS1/55, f. 199v.

<sup>355</sup> Kirk, 'Royal and lay patronage, 1572-1600', 140.



assumed) the right. On 17 October 1589, the commendatorship of Coldingham was granted to John Stewart, the second son of Francis, with Durham of Duntarvy as his administrator.<sup>356</sup> As John was an infant, Francis Stewart, and James Durham of Duntarvy, the administrator, effectively operated as patrons.

All the churches within the patronage of Coldingham were in Berwickshire. In Ayton - which was closely linked with the adjacent parish of Coldingham<sup>357</sup> - Robert Hislop (who also held Lamberton) was responsible for the parish in the mid-1580s.<sup>358</sup> He was succeeded in the vicarage by John Home who was presented by Francis Stewart in 1588.<sup>359</sup> The parish church of Coldingham (distinct from the commendatorship of the priory) was held by three ministers between the reformation and 1603. The first, William Lamb, was a reformed catholic who, in 1560, was declared 'apt and able' to serve his charge.<sup>360</sup> In 1584, he was succeeded by David Home, who had been minister in a variety of south-eastern charges during the previous decade and a pensioner of Coldingham Priory since 1580.<sup>361</sup> A frequent dissenter to the policy of the king, Home was very active in the reformed kirk and was forced to flee to England in 1585 because of his views.<sup>362</sup> On his return, he objected to the annulling of the excommunication of the archbishop of St Andrews and, later in the year, when nominated as moderator of the general assembly was faced with the strong opposition of James VI.<sup>363</sup> As the reign progressed, Home seems to have mellowed slightly and, in 1592, when the vicarage of Coldingham was disjoined from the priory dues, it was David Home who was presented to the vacancy.<sup>364</sup> The final minister of Coldingham during the period was Alexander Watson, the

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<sup>356</sup> SRO, E2/15, f. 8r.

<sup>357</sup> Haws, 'Diocese of St Andrews', 122.

<sup>358</sup> SRO, PS1/54, f. 110r.

<sup>359</sup> Haws (ed.), *Parish Clergy*, 18; *Fasti*, ii, 30.

<sup>360</sup> BUK, 4; *Wodrow Miscellany*, 372; *Fasti*, ii, 36.

<sup>361</sup> RSS, vii, no 2557.

<sup>362</sup> *Fasti*, ii, 32, 90.

<sup>363</sup> Calderwood, iv, 348, 549, 583, 604, 611.

<sup>364</sup> SRO, PS1/64, f. 21r; *Fasti*, ii, 32.

toun schoolmaster, who was translated from Auldcambus in 1593.<sup>365</sup> At no point was Francis Stewart able to exercise patronage over the parish, despite his various activities concerning the priory.

This was the case in a number of parishes within the Coldingham patrimony: in Edrom, William Crail (reader in the parish from 1574) had been appointed minister in 1583 and served the charge until 1612.<sup>366</sup> The kirklands were in feu to Alexander, lord Home.<sup>367</sup> In Fishwick (the vicarage of which was worth £20),<sup>368</sup> a variety of vicars, exhorters, readers and ministers served the church, who were, in the main, Homes or Home associates.

Auldcambus, which assigned some of its dues to Dunglass collegiate church,<sup>369</sup> and was normally feued to Alexander, lord Home, was also securely within the Home orbit.<sup>370</sup> However, the parish also had close links to the earls Bothwell as it seems to have been held virtually concurrently with Oldhamstocks (which was under the earls' patronage).<sup>371</sup> During Morton's regency, the earl of Angus purchased the feu and this caused considerable contention between the two prospective land-holders.<sup>372</sup> David Home acted as minister of the parish from, at least, 1574 until 1585 as well as attending to responsibilities in Oldhamstocks, Cockburnspath (also under the patronage of earl Bothwell) and Foulden (under the patronage of Coldingham).<sup>373</sup> After his flight to England in 1585, he was succeeded as minister by James

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<sup>365</sup> *Fasti*, ii, 36.

<sup>366</sup> Haws (ed.), *Parish Clergy*, 80; *Fasti*, ii, 42-3.

<sup>367</sup> *RSS*, vi, no 2315. On the forfeiture of Home, in February 1574, the lands passed to Andrew Ker of Fawdonside, *RSS*, vi, no 2315.

<sup>368</sup> Cowan (ed.), *Medieval Parishes*, 67; *Books of Assumption*, 199, 203, 204; Haws (ed.), *Parish Clergy*, 89; *Fasti*, ii, 51; Donaldson, "New enterit benefices", 95.

<sup>369</sup> *Books of Assumption*, 166.

<sup>370</sup> *ibid.*, 199.

<sup>371</sup> *Fasti*, i, 405. Three of the four ministers of the period also had responsibility for Oldhamstocks; the fourth, Alexander Watson, was presented to the parish during the period when Bothwell was commendator of Coldingham.

<sup>372</sup> HMC, *Twelfth Report*, app. viii, 102.

<sup>373</sup> Rankin, W E, 'St Helen's Church, Old Cambus', *RSCHS*, vi (1960), 90. He had previously been exhorter of Fishwick, *Fasti*, ii, 51.



Lamb who was translated from Oldhamstocks,<sup>374</sup> and he, in turn, was succeeded by Alexander Watson, the schoolmaster of Coldingham. In 1593, Watson was replaced by Thomas Hepburn, the minister of Oldhamstocks, renewing the traditional Hepburn link (even though the earl Bothwell was then out of political favour).

Prior to the reformation, the priest responsible for services in Coldingham parish also received the vicarage of Ednam as a means of support.<sup>375</sup> The parish of Ednam was served from 1574 until 1579 by Thomas Aitken, first as reader and then as minister.<sup>376</sup> In 1579, Aitken was translated to Kirkyetholm, a charge within the patronage of the earl Bothwell, although he remained the vicar pensionary of Ednam (worth £16).<sup>377</sup> Mr Paul Knox, possibly the nephew of John Knox, had oversight of the parish between 1574 and 1576 and, from 1585, Duncan Walker served the charge as minister.<sup>378</sup> Walker also held responsibility for Nenthorn and Gordon parishes, within the patronage of Francis Stewart, acting as commendator of Kelso,<sup>379</sup> and the parish of Westruther<sup>380</sup> within the patronage of the commendator of Coldstream.<sup>381</sup> William Hood (possibly a pre-reformation monk from Coldingham) was reader between 1580 and 1591.<sup>382</sup>

Earlston was another parish strongly within the sphere of influence of the Home family.<sup>383</sup> Alexander Home had held the vicarage dues in the 1550s and he was succeeded, after a contested presentation, by Christopher Home.<sup>384</sup> On the death of Home in 1565, the losing

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<sup>374</sup> *Fasti*, ii, 90. He had previously been responsible for Tynninghame and North Berwick and was granted the vicarage in March 1587 which had been held by James Young since the Reformation, SRO, PS1/55, f. 190v.

<sup>375</sup> Patrick, D (ed.), *Statutes of the Scottish Church, 1225-1559* (SHS, 1907), 121.

<sup>376</sup> Haws (ed.), *Parish Clergy*, 79; *Fasti*, ii, 68.

<sup>377</sup> *Fasti*, ii, 68; Donaldson, "New enterit benefices", 94.

<sup>378</sup> *Fasti*, ii, 68; SRO, PS1/66, f. 133r.

<sup>379</sup> *Fasti*, ii, 68.

<sup>380</sup> Bassenden or Coldstream.

<sup>381</sup> *Fasti*, ii, 68.

<sup>382</sup> Dilworth, M, 'Monks and ministers after 1560', *RSCHS*, xviii (1972), 204.

<sup>383</sup> The parish of Earlston in Berwickshire was not the same as the barony of Earlston, held by Francis Stewart in Wigtownshire.

<sup>384</sup> Haws (ed.), *Parish Clergy*, 76; *Fasti*, ii, 148.

contestant, James Young, was again presented to the vicarage and secured the dues.<sup>385</sup> The parish was served by separate exhorters and readers until 1586 when James Deas was proposed as minister.<sup>386</sup> Although his appointment was made when Alexander Home was commendator, his presentation to the vacant vicarage (in December 1588) was made after the succession of Francis Stewart to the commendatorship.<sup>387</sup>

The vicarage of Lamberton was held at the reformation by William Learmonth, a monk of Coldingham, and was worth £13 6s 8d.<sup>388</sup> He conformed and continued to hold part of the charge until at least 1582.

when he was succeeded by Robert Hislop, who appears to have worked well with Francis Stewart, although he had been preferred by Alexander Home, as commendator.<sup>389</sup> Previously, in 1573, part of the vicarage - probably the feu of the lands - had been granted to Robert Douglas - an action possibly betraying the hand of the regent although the details of the preferment are uncertain. Douglas lost his share in the vicarage in 1581.<sup>390</sup> In 1586, shortly after Bothwell acquired the commendatorship for a second time, Hislop was also given responsibility for Whitsome (within the patronage of earl Bothwell). He held both charges until 1588, whereupon John Home was presented by Francis Stewart to the vicarage of Ayton, worth £48,<sup>391</sup> and transferred to that parish. The spiritual affairs of the parish were served separately from the vicarage by a minister and various readers.<sup>392</sup>

The parish of Stichill was the cause of a conflict of loyalties in the 1590s. The parish had three notable influences: Patrick Cockburn served as vicar from the reformation until 1590,<sup>393</sup>

<sup>385</sup> RSS, v, no 1922. Young had initially been opposed by the archbishop of St Andrews, see Kirk, 'Ecclesiastical patronage, 1560-1572', 99.

<sup>386</sup> *Fasti*, ii, 148; *Books of Assumption*, 189, 191, 197, 200, 204.

<sup>387</sup> SRO, PS1/58, f. 105r; E2/14, f. 174v.

<sup>388</sup> Donaldson, "New enterit benefices", 96.

<sup>389</sup> SRO, PS1/49, f. 17r; RSS, viii, no 893; Haws (ed.), *Parish Clergy*, 154; Cowan (ed.), *Medieval Parishes*, 126-7; *Fasti*, ii, 56-7.

<sup>390</sup> *Books of Assumption*, 199, 202; *Fasti*, ii, 56-7.

<sup>391</sup> SRO, PS1/57, f. 120r; *Books of Assumption*, 199, 202.

<sup>392</sup> *Fasti*, ii, 56-7.

<sup>393</sup> *Fasti*, ii, 92.



the vicarage teinds (worth £10)<sup>394</sup> were set to George Hoppringle of Blindlie,<sup>395</sup> and the parsonage teinds were held by members of the house of Home.<sup>396</sup> Spiritually, the parish was served by two readers: William Hood, a reformed monk of Coldingham, from 1567 until his deprivation ten years later (whereafter he may have served at Ednam),<sup>397</sup> and John Fairburn, from 1578 until 1591.<sup>398</sup> On the death of Patrick Cockburn in 1590, Francis Stewart presented Thomas Cockburn (his son?) to the vacant vicarage.<sup>399</sup> The presentation was either contested or declared void, as, six months later, a fresh presentation was made, while the earl was imprisoned in Edinburgh Castle. The second presentation was of John Fairburn, who previously had served the parish as reader.<sup>400</sup>

In 1590, during his second period of commendatorship, Francis Stewart presented Robert Hislop to the ministry of Swinton.<sup>401</sup> Hislop had previously been minister at Ayton, Lamberton and Whitsome and was translated to serve his new kirk, although he may have maintained some responsibility for Whitsome. A tack of teinds (worth £40 a year), which recognised the authority of the Homes in the area, was granted by the earl to his half-brother, Hercules, and his wife, Marion Whitelaw, as a wedding gift.<sup>402</sup>

One of the strangest features of Coldingham patronage in the late sixteenth century was that the commendator still laid claim to the Berwick annuities - the lands north of the River Tweed in the possession of England since 1482. These lands had formed the parish of Holy Trinity of Berwick and had pertained to Coldingham priory before the surrender of Berwick. After 1482, only a small rump in Scottish possession remained, centred around Edrington. These small

<sup>394</sup> Donaldson, "New enterit benefices", 97.

<sup>395</sup> *RMS*, v, no 1229.

<sup>396</sup> *Books of Assumption*, 195, 200, 204.

<sup>397</sup> *Fasti*, ii, 92; Dilworth, 'Monks and ministers', 204.

<sup>398</sup> *Fasti*, ii, 92.

<sup>399</sup> SRO, PS1/61, f. 94v; E2/15, f. 113v.

<sup>400</sup> SRO, PS1/62, f. 56r; E2/15, f. 137v.

<sup>401</sup> *Fasti*, ii, 59.

<sup>402</sup> SRO, PS1/58, f. 20v.

holdings, worth approximately £5, were held in feu by Alexander, lord Home, just one part of his substantial lands held of the priory.<sup>403</sup>

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Kirk patronage gave Francis Stewart influence on a scale which only a few of his fellow nobles possessed - it offered an unrivalled opportunity for a layman, with no religious training, to influence the kirk. The opportunity he, or, initially, his administrators, possessed to further the requirements of the reformed kirk in the upland, rural parishes of the south-east and the east march parishes under the influence of the catholic lord Home was substantial.

Francis Stewart, as in so many of his other rôles, faced a mixed legacy from the past. Some of the clergy who had been provided with patronage by his forebears, for example the parsons of Hauch and Oldhamstocks, were active on behalf of, and in the service of, Francis Stewart. One of the greatest changes from the early medieval church was the extensive feuing of kirk lands by the benefice holders to local families and other associates.<sup>404</sup> The patrimony pertaining to Francis Stewart as earl Bothwell was, in practice, not as extensive as it had once been. The political disgrace of the third and fourth earls ensured that several parishes had begun to look to local families for provision to their benefices and, although Francis Stewart was still theoretically patron, in a number of cases, he would have had to take account of local loyalties and preferences before considering who to admit to the charge, for example, in Bothwell, Dalry or Morton. The ministry of other charges had almost become heritable in some areas - Symingtons in Symington, Sandersons in Hopkailzie and Innerleithen,

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<sup>403</sup> Cowan (ed.), *Medieval Parishes*, 17; *Books of Assumption*, 199.

<sup>404</sup> This had started in Lesmahagow by 1532, *RMS*, iii, no 1885; Kelso by 1539, *RSS*, ii, no 3195; and Coldingham by 1541, Sanderson, *Scottish Society in the Sixteenth Century*, 97. Within the patrimony of earl Bothwell (with the exception of Bothwell collegiate church) the majority of feuing took place under James Hepburn.



Spottiswoodes in Caldercleir. The political ostracisation of the Bothwell patrimony had also given the crown, or its regents, the opportunity to interfere in patronage. Although James, fourth earl Bothwell, had been particularly active in providing benefices for his supporters, it is also possible to discern the influence of regents Moray and Morton in the granting of ecclesiastical lands. In some areas patronage was not possible due to previously provided benefice holders retaining their position throughout the period. In other areas, such as Dumfries, Bothwell appears to have had little influence at all.

While in the early 1580s, patronage of the kirk was part of a rôle Francis Stewart could have been expected to perform (in that his upbringing conditioned him to further the goals of the church) by the time he reached political maturity, his conviction to the church might have been expected to lessen. This was not the case. If anything, Francis Stewart became more prominent as a kirk patron in the late 1580s with his recovery of the commendatorships of Kelso and Coldingham. While a certain amount of this influence could be ascribed to specific circumstances, for example, pre-reformation benefice holders dying, it also reflected the growing influence of earl Bothwell at court.

The areas of influence exercised by earl Bothwell, in terms of kirk patronage, closely mirrored his comital holdings. The patronage patterns of the benefices held by Francis Stewart as commendator, while important in their own right, greatly buttressed these existing areas of interest - Berwickshire, Roxburghshire, Lothian and Dumfriesshire. Taken together, the parishes patronised spread Bothwell's influence across the south, covering fifteen per cent of all parishes south of the Forth. When considered in conjunction with the shortages of clergy faced by the reformed kirk, and the need for ministers to serve more than one charge (some charges were effectively joined together throughout the period: Hopkailzie and Innerleithen; Simprin and Langtoun; Kelso, Maxwell, Sprouston and Lempitlaw) it can be demonstrated that, at some time or another, clergy who accepted patronage from Francis Stewart, and also

served other charges, held responsibility in almost a third of the parishes south of the Forth

[See Map 5]

A parliamentary act on annexation in 1587 appropriated the temporalities of all <sup>non-parochial</sup> benefices in the realm to the crown.<sup>405</sup> There were, however, a small number of exceptions to the general act and three of these - Kelso, Lesmahagow and Coldingham - were significant in that it left the Bothwell patrimony untouched. In addition, all benefices within lay patronage were exempt from the annexations of the act.<sup>406</sup> As far as Francis Stewart was concerned, not only was his authority over the kirk lands and patronage now unquestioned, but it was politically endorsed and strengthened by a vote of confidence by the king. This vote of confidence was reinforced a year later, when Kelso Abbey was granted as heritable property to earl Bothwell, with the right of patronage to the thirty-seven pertaining to Kelso, also confirmed.<sup>407</sup> Bothwell's influence on the progress of the reformed kirk, in a period when he is generally considered pro-Spanish, was to remain significant. He continued to buttress the church and support those it promoted to charges.

The ability to grant kirk land, and its fruits, gave Francis Stewart access to a huge patronage network. In the main, his choices were conventional and in line with kirk provision to vacancies. He, almost without exception, provided new readers with the vicarage fruits on their attaining office and when they were available. He also used grants of ecclesiastical patronage to reward various sections of the community. The church had always been useful to the crown when it was looking to remunerate royal officials. In the past, the lands or fruits patronised by Francis Stewart had been used in a similar way to compensate the families of James Bannatyne and John Scarlett. The closest Francis Stewart came to acting in such a way achieved a dual purpose. The grant of the parsonage of Hawick to William Fowler satisfied

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<sup>405</sup> *APS*, iii, 431-7.

<sup>406</sup> Kirk, 'Royal and lay patronage, 1572-1600', 139-40.

<sup>407</sup> *ibid.*, 146.



both royal and personal requirements to reward loyal service, as too did the grant of teinds to Walter, commendator of Blantyre, from Caldercleir.

In line with past provision, Francis used kirk lands and patronage to reward family servants and retainers, such as Patrick Edrington in Morham and Alexander Watson in Coldingham. Local families within the traditional sphere of influence of a benefice were also patronised, either by specific grants of patronage or grants of the feu of certain kirk lands. From the collegiate churches and from altarages within parish churches, students intending to go to university received financial support. The kirk also allowed an opportunity to serve the wider community and promote education at a more local level by providing ministers to parishes, such as George Hepburn in Hauch or Alexander Watson in Coldingham, who were not only to preach but also teach in the parish school. The promotion of Andrew Lumsden, a regent at Edinburgh University, may also be indicative of a willingness to support wider interests.

The two biggest advantages of any patronage network was the ability of the patron to advance members of his close family and kin and the ability of the patron to receive recompense. While Francis Stewart only advanced a few Hepburns within parishes - notably Robert Hepburn of Duntarvy in Hauch - this may reflect more on his associations with the traditional Hepburn *familia* rather than any great unwillingness on his part. The benefices worth the highest value still tended to be held by close family and associates - Hauch £223 6s 8d; Oldhamstocks £186 13s 4d; Caldercleir £185 5s 4d; and Hawick £163 6s 8d. Whether ministers or readers accepting patronage had to pay for it, as with royal patronage, is unrecorded, but certainly possible.

Francis Stewart did not automatically receive the fruits of the parishes and offices which he patronised. Only in some cases, when the fruits were appropriated to the religious house, did he have greater interest than merely seeing the correct person in the correct post. While the

money from ecclesiastical holdings was very welcome, patronage also ensured local support in pertinent areas.

The ministers who were appointed under the patronage of Bothwell reflected a wide cross section of the realm's religious community. Francis Stewart patronised both those ministers who represented the radical conscience of the reformed kirk as well as the clergy of the old church who had conformed to the new. This distribution of provision could be seen as an example of earl Bothwell having 'a foot in both religious camps' in order to preserve his authority in the localities.<sup>408</sup> Some, such as John Spottiswood from Caldercleir or David Home from Coldingham, were highly visible figures in the reformed kirk, with wide personal associations and ministerial support.<sup>409</sup> A fair number were also political rebels (although some of these had been appointed by his predecessors) and frequently out of favour or, in the case of David Home, in political exile in England. When the earl's stock was high at court, some of them, for example, Adam Johnston and David Chalmers at Crichton, were rehabilitated and confirmed in their possessions.

Finally, the patronage of kirks involved the earl Bothwell in wider matters: many of the charges under Bothwell's patronage involved him in complex relations with other south-eastern landlords. In Pitcox, for example, Bothwell had to be aware of the interests of Alexander, lord Home, the Lauders of Bass, and Cockburn of that ilk; in Ayton, he had to be aware of the concerns of Home of Wedderburn, Home of Ayton, Logan of Restalrig and Auchincraw of Netherbyres as well a host of exhorters, readers and ministers - often, themselves, with other responsibilities in the region. Any attempt to be more definitive and analyse exactly who played what rôle, and how strongly, is unlikely to be successful.

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<sup>408</sup> For discussion on this point, see Wormald, "'Princes" and the regions', 70.

<sup>409</sup> For example, the father-in-law of John Spottiswood, younger, was Mr David Lindsay, minister at South Leith in the 1580s, Kirk, *Patterns of Reform*, 436.



This is particularly the case when ministers operated under more than one patron. The reformed kirk was not yet fully established in southern Scotland and ministers were in short supply. Ministers frequently served more than one charge and this caused a number of apparent conflicts of interest. How the system worked is not immediately apparent and, part of the problem, would seem to be the very assumption and general belief that patrons were powerful people. In reality, how relevant was a patron to a minister, vicar, parson or reader once they had been provided to a benefice? Was a minister aware of his patron's wishes or did he pay more attention to the local presbytery (once established) or general assembly? The answer is difficult to evaluate fully. It is likely that individual cases came down to a matter of influence and favour at the time - certainly a number of ministers seem to have been translated from one charge to another within the same patronage, perhaps on promise of future preferment. Where there was cross-patronage, more work requires to be done to fully comprehend the nature of benefice holding, especially when some patrons were more 'catholic' in their tastes than others. The ecclesiastical provision by men, such as Alexander, lord Home, would seem to imply either a lack of direct influence by the lay patrons, which is unlikely, or an adaptability and recognition of *realpolitik*, out of keeping with their 'staunch' religious views. What was required, regardless, by protestant or catholic patrons as well as the clergy, was an ability by both to co-operate and adapt.

As well as complex local relations, the patronage of benefices also involved earl Bothwell in a number of matters of national significance. The patronage of kirks had to recognise political realities and the existence of familiar spheres of influence, especially border family rivalries. Perhaps the strangest political implication of religious patronage was the right, held within Coldingham, to expect dues from the annuities of Berwick. With Bothwell's known predilection for mischief-making and his equally well known pipe-dream of capturing Berwick, to grant Coldingham to him in 1586 was either an act of breathless folly or a well

calculated political move to promote a response. Alternatively, it could always be a recognition that for all the gossip and rumour surrounding Bothwell and his political ambition, in reality, he was a 'safe pair of hands' who would serve the kirk well in the border country and promote their interests.

For all the uncertainties, if, as in the case with Francis Stewart, the patron and kirk were co-operating in the vast majority of patronage issues, an extremely strong bond of friendship and obligation of mutual support would exist. Added to this Bothwell's known relationships with ministers other than those under his patronage, for example, Roger Wilkie of St Andrews, David Black of St Andrews or David Lindsay of Leith, and the earl was demonstrably an ally of the kirk. This is the forgotten subtext to kirk support of Francis Stewart throughout the early 1590s. Whatever Francis Stewart's public protestations on religion, and no matter how many times his loyalty to the reformed kirk was, politically, in question, in practice he remained a loyal supporter of the kirk and promoted their cause in the kirks he had patronage of. The kirk did not operate in a vacuum - they recognised that it was sometimes *politique* for nobles to distance themselves from their demands. If, in practice, Bothwell's support for the kirk was consistent, then there was no reason to doubt that the 'sanctified plague' would not, in the long run, be of benefit to the kirk and the realm.



## ***CHAPTER EIGHT***

***‘Vindictive, violent and impatient’:  
the route to exile, 1590-1612***<sup>1</sup>

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<sup>1</sup> *CSP Dom*, iii, 65. The quote is a characterisation of the earl following his escape from Edinburgh Castle by Thomas Phelippes, an English spy, 21 June 1591.

The period between the return of James VI to his kingdom, in May 1590, and the exile of earl Bothwell to the continent, in March 1595, is pivotal to the understanding of Jacobean Scotland. Francis Stewart - one of the king's closest friends and political allies from the previous decade - witnessed a deterioration in personal relations with his cousin which resulted in his disgrace and permanent exile from Scotland. In many of the defining events of the period, such as the North Berwick witch trials, the murder of James Stewart, earl of Moray, the passing of the 'Golden Act' in favour of the kirk and the baptism of prince Henry Frederick, Bothwell's influence can be witnessed. Throughout the period, the earl's unpredictable actions were a source of anxiety for James, although it was the earl's widespread political and religious support which caused greater governmental concern. It took most of the period under discussion for James and his central administration to apply sufficient pressure to break the support for the earl although, in the end, this was achieved not through any single military expedition but, instead, through a policy of patience and attrition.

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The royal arrival at Leith, on 1 May 1590, was greeted with public festivity and religious thanksgiving services.<sup>2</sup> James's new queen, Anna, was led from the stairhead of Leith along a covered walkway to meet the assembled *glitterati* of the Scottish court, headed by the duke of Lennox and the earls of Mar and Bothwell.<sup>3</sup> After five days residence in the King's Wark in Leith, Anna and her retinue were escorted to the palace of Holyroodhouse by mounted

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<sup>2</sup> Calderwood, v, 94; *EBR*, v, 4, 6, 18, 19. The countess of Bothwell had been summoned to Edinburgh to take part in the celebrations and her husband must have had a considerable rôle in their organisation: John Colville (one of Bothwell's prominent supporters) was collector of taxation for the queen's marriage; John Russell (Colville's brother-in-law and an Edinburgh advocate) gave the welcoming oration to Anna; and James Carmichael, minister of Haddington, later drew up the coronation ceremony, *CSP Scot*, x, no 409; *LJC*, pp. xxi, xxxviii.

<sup>3</sup> Calderwood, v, 94; Stevenson, *Scotland's Last Royal Wedding*, 100.



horsemen.<sup>4</sup> On 17 May, Anna was crowned, in Holyrood Abbey, as the first protestant queen of Scots. The ceremony, which lasted for seven hours, was attended by the assembled nobility and churchmen of the realm as well as all the royal household. Although the countess of Bothwell was prominent in the queen's retinue, the earl does not appear in the list of officiating nobility - the implication must be not that he was absent, but that he was orchestrating the whole ceremonial.<sup>5</sup>

While the public celebrations were taking place, politics and administration did not stop. There had been significant changes while the king was away: political alliances had shifted;<sup>6</sup> Robert Bowes had replaced William Asheby as the English ambassador in Scotland;<sup>7</sup> Francis Walsingham and Thomas Fowler were dead;<sup>8</sup> there was plague among Scottish livestock;<sup>9</sup> and Edinburgh was in the middle of a 'fever teize' attack, with thousands affected, especially at court.<sup>10</sup>

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<sup>4</sup> Calderwood, v, 94-5; Moysie, *Memoirs*, 83.

<sup>5</sup> *CSP Scot*, x, no 398; Calderwood, v, 95-6; Stevenson, *Scotland's Last Royal Wedding*, 104-7; Willson, *James VI and I*, 93. Two days later, the coronation celebrations were superseded by a public display of joy when Anna made her formal entry into Edinburgh, *CSP Scot*, x, no 409; Calderwood, v, 96-8; Moysie, *Memoirs*, 83-4; Stevenson, *Scotland's Last Royal Wedding*, 107-120. For further discussion, see Lynch, M, 'A royal progress: court ceremonial and ritual during the personal reign of James VI', in *James VI: Court and Kingship* (forthcoming, East Linton).

<sup>6</sup> *CSP Scot*, x, no 391.

<sup>7</sup> *CSP Scot*, x, no 307; Stafford, *James VI of Scotland*, 54.

<sup>8</sup> Walsingham and Fowler had died around the same time, *CSP Scot*, x, no 386; HMC, *Marquis of Salisbury*, iv, 29. Several members of the Scottish nobility, likewise, had died while the king was abroad: Robert, fifth lord Boyd, *CSP Scot*, x, app., no 11; *Scots Peerage*, v, 155-61; Patrick, sixth lord Lindsay of the Byres, 'A pretended conference with the Regent, earl of Murray', *Bannatyne Miscellany*, i, 38; *Scots Peerage*, v, 399-400; and Elizabeth Stewart, countess of Arran, HMC, *Marquis of Salisbury*, iv, 30; *Scots Peerage*, i, 396. On Thomas Fowler's death, Bothwell had seized the English agent's goods in the king's name. This caused a series of disputes over jurisdiction, with John Bellenden of Auchnoull's brother pointing out that, because Fowler's house was in the Canongate, it was within the regality of the justice clerk. Bothwell recognised this but stated that, as the justice clerk was on an official embassy to England, he (probably acting as sheriff of Edinburghshire), would take care of the goods in the meantime and settle the affair when Auchnoull returned. The king's advocate consented to the situation, HMC, *Marquis of Salisbury*, iv, 30; *CSP Scot*, x, no 389 enc..

<sup>9</sup> Maidment, J (ed.), *The Chronicle of Perth: a Register of Remarkable Occurrences, Chiefly Connected with that City, from the Year 1210 to 1668* (Maitland Club, 1831), 4.

<sup>10</sup> HMC, *Marquis of Salisbury*, iv, 30.



On James's return, 'it rejoiced the king to hear that the subjects had been so quiet.'<sup>11</sup> Things had not gone completely smoothly in Denmark: the prospect of a grand diplomatic alliance between Scotland, England, Denmark and some German princes had been discussed but not completed;<sup>12</sup> John Maitland and earl Marischal had fallen out over precedence;<sup>13</sup> and, despite receiving money for his dowry, James had managed to spend beyond his means with the result that he had decided to reform his chamber and proceed with more financial frugality from his return to Scotland.<sup>14</sup>

Although many of the Scottish nobility feared that the proposed changes at court would restrict their ancient privileges, the fact that the government did not fracture upon the king's return reflects well on the achievements of the interim government.<sup>15</sup> The 'malcontent' faction of the Brig o' Dee rising had disintegrated - Bothwell was now loyal; Montrose was, likewise, working for the government; Crawford and Huntly had petitioned to go abroad; and Erroll was anticipating a marriage alliance to Morton's daughter.<sup>16</sup> In addition, a variety of long-running feuds had been settled and the period had witnessed the creation of a corporeal 'Stewart faction'.<sup>17</sup> One of the principal reasons for this political realignment was that the chief trouble-

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<sup>11</sup> Spottiswoode, *History*, ii, 405-6; *Historie*, 241. Gordon has argued that the fact that James and his bride returned to a peaceful kingdom was due more to luck and timing than anything else. He claims that, in April 1590, Scotland stood on the brink of breakdown into civil disorder. Gordon considers that the master of Gray's antagonism towards Huntly and Maxwell at the time of the return was part of a fresh attempt by the English to instigate a 'catholic conspiracy' in Scotland (as has been alleged of the Brig o' Dee rebellion). Gordon admits that the evidence for such claims is far from conclusive but envisages a conspiracy encompassing Huntly and his supporters and the massed Stewarts, led by Lennox and Bothwell. These nobles were attempting to provoke Hamilton (who had been working, with the full cognisance of Elizabeth and her administration, to uncover the new 'catholic conspiracy') into an attack on the capital and interim government. As a forerunner to this Asheby had been removed, on the excuse of his unpopularity and dispute with Fowler, and replaced by Bowes, who had specific instructions to deal with Hamilton. The ultimate prospect was civil war, Gordon, *Political Career of Francis, Earl of Bothwell*, 125-8, 132-7.

<sup>12</sup> *CSP Scot*, x, app., nos 3, 7.

<sup>13</sup> *ibid.*, nos 365, 393; Stevenson, *Scotland's Last Royal Wedding*, 55.

<sup>14</sup> *CSP Scot*, x, no 365. James hoped that Elizabeth would defray his costs, *ibid.*, no 365; Willson, *James VI and I*, 97-8.

<sup>15</sup> *CSP Scot*, x, nos 391, 393; xi, no 576 enc..

<sup>16</sup> *ibid.*, x, nos 391, 393; *RPC*, iv, 509; Lee, *Maitland*, 226.

<sup>17</sup> *CSP Scot*, x, no 294. Melville of Halhill (not always the most accurate of sources) claims that, during the period of the interim government, Bothwell had been 'unruly and disobedient' with the result that James had determined (while still in Denmark) to ward the earl on his return, Steuart



maker from 1589, Bothwell, held too large a stake in the successful administration of the new Scotland that James and his bride promised (with the threat of changes at court, it behoved everyone to consider their own position and virtues). Bothwell had been warned before the king's departure that as 'the honour of quiet government' was being entrusted to him, should any disruption occur, then he would suffer retribution.<sup>18</sup> Bothwell had responded 'contrary to all men's expectations' in that 'he had carried himself orderly at all time'.<sup>19</sup> While James had given instructions that reconciliations should be undertaken during his absence, on his return the situation (when taken in conjunction with inaccurate reports of Bothwell's motivations given to the king in Scandinavia)<sup>20</sup> seemed to pose a considerable threat to the monarch and his *via media*.

On his return, James gathered information concerning national and international diplomacy conducted in his name while he was away. Despite Elizabeth's qualified commendation of the provisional government, James was unhappy with what he heard and was forced to give a sharp rebuke to Bothwell for his conduct concerning the acquisition of Thomas Fowler's assets and his dealings with David Graham, laird of Fintry (a leading catholic sympathiser).<sup>21</sup>

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(ed.), *Memoirs of Melville of Halhill*, 331. Instead, Bothwell had acted judiciously and even had managed to maintain his promise of loyalty to Maitland while the king was absent (despite several approaches to act otherwise), *CSP Scot*, x, nos 389 enc., 393, 404. On Maitland's return, Bothwell continued his period of reconciliation with the chancellor and was reported to have offered Maitland tutory of his son to cement the bond, *ibid.*, no 409.

<sup>18</sup> *ibid.*, no 304. Bothwell considered his influence was little diminished even with the king returned to Scotland (Stafford considers that Bothwell was still 'more interested in dominating the kingdom than in anything else', Stafford, *James VI of Scotland*, 55). The earl returned to being a recipient of royal communications, SRO, E21/67, ff. 205v, 214v; E21/68, 72r, and acquired some minor patronage, SRO, E21/68, f. 12v. He also continued to use his influence to the benefit of his associates, *CSP Scot*, x, no 458.

<sup>19</sup> Spottiswoode, *History*, ii, 406. Besides Bothwell, others were credited with the successful governance of the realm: Melville considered his brother (the chancellor-depute) held the realm together in the king's absence, while Maitland felt that it was Alexander Hay who had done the good offices, Steuart (ed.), *Memoirs of Melville of Halhill*, 332-3.

<sup>20</sup> HMC, *Marquis of Salisbury*, iv, 23. Richard Douglas joined with the English ambassador in the view that 'those who are not privy to his [Bothwell's] intentions...suspect that dealing shall do no good'.

<sup>21</sup> *CSP Scot*, x, nos 401, 403, 404, 423; *RPC*, iv, 494. Bothwell complied but Stafford has interpreted this (relatively minor) falling out as James demonstrating an open dislike for the earl, Stafford, *James VI of Scotland*, 59.

The public rebuke caused Bothwell to leave court and to petition for permission to leave the country.<sup>22</sup> James's anger did not last long and, on the eve of Anna's coronation, Bowes reported to Burghley

the king bears great affection towards Bothwell, and upon his good carriage will advance him. He [Bothwell] has promised the king to do in all things and embrace such persons as the king commands him; the king now looks for his steady performance, otherwise his favour towards him will be abated<sup>23</sup>

The advancement promised did not take place at the coronation. Instead, John Maitland was raised to the peerage as lord Thirlestane.<sup>24</sup>

Other matters also heightened the distrust between the royal cousins: on a number of occasions Bothwell was stopped from entering the king's bedchamber as new court regulations were implemented;<sup>25</sup> a promised pardon for the Brig o' Dee rebellion did not immediately materialise;<sup>26</sup> and the king tried to prevent Francis from receiving his admiralty dues in a case concerning English pirates.<sup>27</sup> Bothwell again left court - this time without permission and taking his belongings. Although displeased, James still had enough 'continuing

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<sup>22</sup> *CSP Scot*, x, nos 404, 414; HMC, *Marquis of Salisbury*, iv, 34. Bothwell continued the charade of intending to leave the country for several months until James finally stopped the earl in late July, *CSP Scot*, x, nos 449, 454.

<sup>23</sup> *ibid.*, no 403.

<sup>24</sup> Calderwood, v, 95. Bowes, in an uncharacteristic slip, said Maitland was to be created 'lord of Crichton', *CSP Scot*, x, no 404 enc..

<sup>25</sup> *RPC*, iv, 508; *CSP Scot*, x, nos 414, 416; Lee, *Maitland*, 221. John Hamilton had also been prevented from entering the chamber. Despite his chagrin, Bothwell went along with James's plans for reform and, on the next occasion he wished to see his monarch, sent Robert Hepburn, the master of his household, to ask permission to approach the king. James would not admit the earl until he reformed his household and put away 'lewd persons' in his retinue. Bothwell departed but, later, was refused access for a third time. The earl eventually managed to gain access to the king's bedchamber but, as a mark of his discontent, he did not attend the convention of nobility held in Edinburgh at the same time, *CSP Scot*, x, no 423.

<sup>26</sup> *CSP Scot*, x, no 404, 443; Lee, *Maitland*, 226. The pardon finally came on 30 June, *CSP Scot*, x, no 458; *RPC*, iv, 501-2; Stafford, *James VI of Scotland*, 57.

<sup>27</sup> *CSP Scot*, x, nos 427, 430.



love' to stop short of a threatened warding.<sup>28</sup> The earl, however, did not forgive so easily and he went north to spend time with his half-brothers in Caithness.<sup>29</sup>

After the king's return, Bothwell still attempted to sustain the broad coalition of interests which had existed while James was abroad. His association with Caithness, Atholl and Moray had proved useful to him and these allied lords continued to demonstrate their commitment to the kirk and pledge their allegiance to Elizabeth.<sup>30</sup> In the south-east, the earl's recent reconciliation with lord Home similarly held and Bothwell enhanced his policy of reconciliation with attempts to agree his feuds with Home of Manderston and the Stewarts of Ochiltree for the murders of David Home and sir William Stewart.<sup>31</sup> In general, the border situation was more settled and, in October 1590, Bothwell and Ker of Cesford finally settled their long-running dispute.<sup>32</sup> In Liddesdale, the earl remained active and he kept in regular contact with tenants. Following a brief period of warding in August (for refusal to stand surety for some of them), he actively attempted to stop Scottish raids into England and was proposed as the lieutenant of the border.<sup>33</sup> To the central government, what had started as a

<sup>28</sup> *CSP Scot*, x, no 409; *CSP Dom*, xii, 310. It is possible that if Bothwell had been staying in Holyroodhouse during the period of the interim government, then he would have to take his belongings away as the expanded court required more room. Even so, such a circumstance would not necessarily be popular, *CSP Scot*, x, nos 409, 414.

<sup>29</sup> *ibid.*, nos 434, 443, 445. At the end of June, Bothwell stayed with Campbell of Glenorchy (together with the earl of Menteith and commendator of Inchaffray) at Finlarg, Innes (ed.), *Black Book of Taymouth*, 300-1. During his northern excursion, the earl of Erroll attempted to convince Bothwell to break with the chancellor and join with himself and Huntly to carry out 'the like reward that was given to Corquharan, serving under king James the third', *CSP Scot*, x, no 445. Bothwell, however, would not consent to Erroll's plan and stated that he would continue to ally with the chancellor as long as he reasonably could, *ibid.*, no 445, 449; Lee, *Maitland*, 226. (Lennox had also flirted with an alliance with Huntly, his brother-in-law, but, after sharp words from Bothwell, drew back towards the Stewarts, *CSP Scot*, x, no 508.)

<sup>30</sup> *CSP Dom*, ii, 697. Bothwell was prominent at the 1590 general assembly, Calderwood, v, 86; *CSP Scot*, x, no 508; Shaw, *General Assemblies of the Church of Scotland*, 73.

<sup>31</sup> *CSP Scot*, x, nos 404, 409, 492, 493, 496.

<sup>32</sup> *CSP Scot*, x, no 482. Bothwell agreed with lord Home that this new friendship would not prejudice their relationship, *CSP Scot*, x, no 508. It caused problems for the earl, however, as he was accused of consorting with Robert Ker, Cesford's son and heir, following his killing of William Ker of Ancrum, *CSP Scot*, x, no 505. For the reasons behind the feud, see *CSP Scot*, x, no 602; Ridpath, *Border History*, 464.

<sup>33</sup> *CSP Scot*, x, nos 472, 496; Calderwood, v, 111; Lee, *Maitland*, 218. Bothwell, and his half-brother, Hercules, had stood surety for Robin Elliot of Redheuch and Martin Elliot of Braidlie in July, *RPC*, iv, 807. The office of lieutenant of the border was seen as a threat to a variety of interests,

series of reconciliations must have begun to look dangerously like the formation of a sizeable party of support around the earl which presented a challenge not only to the earl's noble rivals but to the king, himself.

In January 1591, the attitude of the king with regard to border justice hardened: Bothwell, despite all his local contacts and promises of justice, had still not offered full redress for Liddesdale. James threatened the earl with withdrawal of favour, replacement and disgrace if he would not satisfy the English wardens. Bothwell, asked the king for bonds from several lords in order that he could carry out justice but James offered his word and personal honour instead. Bothwell replied that without the bonds, he could not administer justice fully and, despite entering his own men, he could not get satisfaction from other border lairds.<sup>34</sup> Other problems also surfaced such as when the laird of Niddry Marischal (a prominent supporter of Bothwell) was accused of adultery with the laird of Craigmillar's wife. As a witness was giving evidence before the lords of session, Bothwell entered the Edinburgh tolbooth and arrested the man for alleged felonies committed within the earl's jurisdiction. A violent scuffle broke out and James, in the adjacent room, was seen to be vulnerable.<sup>35</sup> Bothwell's sponsoring of law-breaking was giving considerable cause for concern: following a report that the lairds of Cesford, Niddry Marischal and Burnhouse intended to engage in combat with the laird of Womett at Kelso on 20 January, James gathered together some troops and set out for the earl's border property.<sup>36</sup> Although the protagonists fled and the king stayed with Bothwell for two days, the earl was severely chastised by his monarch who informed him that, unless his behaviour improved significantly and justice<sup>was</sup> administered for Liddesdale, then all his former

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including Maitland who recently had accepted an enhanced rôle in border administration, Lee, *Maitland*, 216.

<sup>34</sup> NRA(S), 217/3/269; *RPC*, iv, 804-7; *CSP Scot*, x, no 517.

<sup>35</sup> Calderwood, v, 117; *CSP Scot*, x, no 519; Donaldson, *James V to James VII*, 191.

<sup>36</sup> *CSP Scot*, x, no 519, 526, 535. Home of Polwarth, who had married Womett's sister was also involved, bringing many Homes into the feud, *ibid.*, no 526.



crimes would be brought back to try him.<sup>37</sup> Bothwell already had rivals willing to replace him in authority and, in February 1591, John Maitland's influence in Lothian was strengthened when he was granted the barony of Haddington (composed of lands which had previously belonged to the Hepburn influenced nunnery).<sup>38</sup>

Bothwell did meet <sup>English officials</sup> and do initial redress for Liddesdale but, as the deadline for meeting with sir John Forster (warden of the English west march) approached, Bothwell attempted to side-step the issue.<sup>39</sup> In early March, he was refused permission to travel to the English court to discuss the borders;<sup>40</sup> *was unable* to ride for the north to settle the renewed feuds between Caithness and Sutherland and Huntly and Atholl and Moray;<sup>41</sup> and *did not go* to Orkney to administer his office of admiralty and force his uncle, the earl of Orkney, to comply with royal statutes.<sup>42</sup> Elizabeth informed James how gratefully she accepted Bothwell's initial service for Liddesdale and she suggested that James should encourage the earl to continue what he had begun. James promised to keep Bothwell in his current 'good way'. Bothwell was delighted at the news of Elizabeth's favour (remitted to him by Bowes) and promised to 'endeavour to be worthy of her good opinion.'<sup>43</sup> The same day that Elizabeth's letter was received, 24 March 1591, a witch who had recently been captured in England, was delivered to James VI for questioning. Bothwell did not yet know it, but the recent *rapprochement* was about to end.

<sup>37</sup> *CSP Scot*, x, nos 519, 520. Bowes feared that the earl was slow to administer justice because he had been bitten on the arm by his horse.

<sup>38</sup> SRO, PS1/62, f. 11r. He was also granted the ward and marriage of lord hay of Yester, SRO, PS1/62, f. 120r; Lee, *Maitland*, 225.

<sup>39</sup> *CSP Scot*, x, no 522. The English wardens had to be persuaded by Burghley and Hunsdon to engage with Bothwell, *CSP Dom*, xii, 323. Justice with sir John Forster was due to be administered on 8 February but was postponed (by Forster) until 15 March, *CSP Scot*, x, nos 521, 537.

<sup>40</sup> *CSP Scot*, x, no 537.

<sup>41</sup> *ibid.*, no 522. The alliance between Bothwell, Moray and Atholl was still holding strong.

<sup>42</sup> *ibid.*, no 537. Were this action (which would seem to indicate that Bothwell's alliance with Maitland also was holding) to fail, Orkney would be forced to abandon his lands to his nephew.

<sup>43</sup> *CSP Scot*, x, no 542.

Bothwell's closer association with Home was directly relevant to the political downfall of the earl - by 3 April 1591, Bothwell and Home had both discovered that Maitland had been duplicitous in his dealings with them<sup>44</sup> and, within a fortnight, Bothwell had been accused by Richard Graham of consorting with witches.<sup>45</sup> Witchcraft trials had been on-going in Lothian since November 1590 and were centred on sabbats allegedly held in North Berwick kirkyard. The various suppositions that Bothwell was at North Berwick (and even played the rôle of the devil) would seem to be totally false, although he was suspected to have sympathy with the witches aims.<sup>46</sup> Although James was impressed by the testimony he heard from the witches concerning plots to engineer his death at sea during his voyage to Denmark, he, initially, did not credit the accusations of Richard Graham and Agnes Simpson that Bothwell had sought his death by witchcraft. On 5 May, the king admitted 'that the evidence against Bothwell for conspiring his death was so weak as the assize...would be hardly satisfied to declare him guilty'.<sup>47</sup> The topic of James VI and the North Berwick witches has been analysed from almost

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<sup>44</sup> *CSP Scot*, x, no 545; Meikle, *Lairds and Gentlemen*, 672. The duplicitous dealings related to the confrontation between Home and Bothwell at Carfrae shortly before the king's journey to Denmark, see above, page 176; Calderwood, v, 156.

<sup>45</sup> *CSP Scot*, x, no 552; Calderwood, v, 127; Spottiswoode, ii, 411-2; *Historie*, 241-2; Moysie, *Memoirs*, 85; Steuart (ed.), *Memoirs of Melville of Halhill*, 352-4; Mackenzie (ed.), *Chronicle of the Kings of Scotland*, 143; Larner, C, *Enemies of God: the Witch-hunt in Scotland* (London, 1981), 151-6; Larner, C, Hyde Lee, C, & McLachlan, H (edd.), *A Source-Book of Scottish Witchcraft* (Glasgow, 1977), 3-9; Cowan, E J, 'The darker vision of the Scottish renaissance: the devil and Francis Stewart', *The Renaissance and Reformation in Scotland*, edd. I B Cowan & D Shaw (Edinburgh, 1983), 130; Larner, C, 'James VI and I and witchcraft', *The Reign of James VI and I*, ed. A G R Smith (London, 1973), 74-90; Murray, M A, 'The "devil" of North Berwick', *SHR*, xv (1918), 310-21; Roughead, W, *The Rebel Earl and Other Studies* (Edinburgh, 1926), 27-9; Stafford, H, 'Notes on Scottish witchcraft cases, 1590-1591', *Essays in Honor of Conyers Read*, ed. N Downs (Chicago, 1953), 96-118; Bevan, *King James VI & I*, 48; Lee, *Maitland*, 229-31; Bingham, *James VI of Scotland*, 128-32; McElwee, *Wisest Fool*, 72; Willson, *James VI and I*, 103; Wormald, *Court, Kirk and Community*, 168; Wormald, J, 'The witches, the devil and the king', *Freedom and Authority, 1050-1700*, edd. D Ditchburn & T Brotherstone (forthcoming, East Linton).

<sup>46</sup> Cowan, 'Darker Vision', 128. It has been argued it was a catholic service, Cowan, 'Darker Vision', 128. In Basilicon Doron James considered that this and similar superstition led to heresy, Craigie (ed.), *Basilicon Doron*, i, 42.

<sup>47</sup> *CSP Scot*, x, no 559 enc. For the accusation, see Steuart, (ed.), *Memoirs of Melville of Halhill*, 352; Bingham, *James VI of Scotland*, 130. Under the 1563 act of parliament, the accusation of



every perspective - the most popular view being that Bothwell's involvement with the witches was merely a cover for a political conspiracy aimed at the throne.<sup>48</sup> Rarely, however, has the political and personal response of the earl been understood; and it has never been argued that Bothwell, as the realm's principal representative in maritime matters, was an obvious villain for agents of the devil who demonstrated their depravity by the sinking of ships instead of destruction of crops.<sup>49</sup>

Bothwell's response to the accusations was in character: he and his retinue immediately rode to the king (who was lodging with Maitland) to settle the issue. According to Bowes, it was Maitland who led the questioning. Bothwell initially responded reasonably but became enraged as more serious accusations were levelled at him. The earl denied he had ever conspired to harm the king and denied he had ever spoken to Graham concerning the king. This latter admission established that the earl had consorted with witches but both Maitland and James felt this was less serious than the claim of treason and confirmed that the only charge that concerned them was that Bothwell had sought the king's life. Bothwell was confident he could disprove this claim and 'show[ed] a good countenance in hope of his speedy delivery.'<sup>50</sup> He allowed justice to take its course and was warded in Edinburgh Castle on 15 April 1591 until

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consorting with witches was as serious a crime as witchcraft itself. Such an accusation was all embracing and its intention was to deprive Bothwell of his greatest asset - support, Rogers, C (ed.), *Social Life in Scotland from Early to Recent Times*, 3 vols, (Grampian Club, 1884-6), iii, 288, 294, 295.

<sup>48</sup> *CSP Scot*, x, no 554; HMC, *Marquis of Salisbury*, iv, 346; Calderwood, v, 160-1; Stafford, *James VI of Scotland*, 60; Levack, B P, *The Witch-hunt in Early Modern Europe* (London, 1987), 59. Lee considers that the suggestion that Bothwell was aiming for the throne 'can hardly be taken seriously', although James was 'immediately and instinctively convinced of Bothwell's guilt', Lee, *Maitland*, 229 (for a similar interpretation, see Stafford, *James VI of Scotland*, 60). Williamson interprets the move against Bothwell as a joint act between the crown and the clergy who resented baronial power (such a view would seem highly speculative), Williamson, A, *Scottish National Consciousness in the Reign of James VI* (Edinburgh, 1979), 73. Willson considers that, for whatever reason, it was these witchcraft revelations which turned the anger of James VI into loathing and hatred concerning Bothwell, Willson, *James VI and I*, 103;

<sup>49</sup> For the distinction, see Briggs, R, *Witches and Neighbours* (London, 1996), 54.

<sup>50</sup> *CSP Scot*, x, no 555. The earl felt that his enemies were fearful of him and his associations and were simply seeking an opportunity to destroy him.

the situation had resolved itself.<sup>51</sup> The due judicial process was set to take place by means of a convention on 6 May 1591. Bothwell and Margaret Douglas (who represented the attack on Bothwell as an attack on the nobility as a whole) attempted to muster favourable lords to attend - but, in a climate of uncertainty, so few lords attended that the convention could not proceed.<sup>52</sup>

After Richard Graham's initial accusation, little further could be found to confirm his story.<sup>53</sup> Bothwell was prepared to fully disclose his involvement with the North Berwick witches as long as he received a remission for all crimes other than conspiring to kill the king (this was protecting his own interests and, as someone well versed in the law, he was aware that even consorting with witches could lead to the death penalty).<sup>54</sup> James, however, possibly under pressure from his advisors, reneged on his previous statements and only offered the earl remission for his murder of two men (William Stewart and David Home - both old cases) and his involvement in the Brig o' Dee affair. Bothwell refused to give his evidence.<sup>55</sup>

Contemporaries were as unsure of what to make of the situation as subsequent historians. While the actions proposed were certainly within the orbit of Bothwell's character, Phelippes

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<sup>51</sup> *CSP Scot*, x, no 554; *CSP Dom*, iii, 38; Calderwood, v, 127-8; *RPC*, iv, 609. Bothwell offered trial by combat as a means of ensuring justice, *CSP Scot*, x, no 560. Forster believed part of the reason for the imprisonment was the earl's relationship with Gowrie's daughter, *CBP*, i, no 709; see above, page 301.

<sup>52</sup> NRA(S) 217, 2/3/251; SRO, GD406/1/56/1; *CSP Scot*, x, no 559; Lee, *Maitland*, 230-1. In a letter to John Hamilton, Margaret Douglas calls Bothwell 'your lordship's son' which would suggest that the proposed marriage between Jean Hepburn and John Hamilton had occurred (although no other trace of it now remains), see above pages 115-6. She also notes that she is Hamilton's aunt and asks that due to the closeness to each side of the family, he attend. A similar lack of attendance at official meetings can be witnessed when studying the sederunts of the privy council of the period, see *Appendix 10*.

<sup>53</sup> *CSP Dom*, iii, 48. Richard Graham claimed that Bothwell had been in contact with a necromancer in Italy who foretold that he would hold great temporal and spiritual possessions, kill two men with his own hands, and then that he would fall into the king's hands for capital causes. The earl would obtain pardon for the first offence but lose his life for the second. The argument continued that, as the first three events had taken place, Bothwell attempted to prevent his own death by the murder of the king (at which point, the method of creating a waxen image of the king was conceived). The earl got Graham to withdraw his charges after blaming Bowes for the fantasies, *CSP Scot*, x, no 552.

<sup>54</sup> *CSP Scot*, x, no 554.

<sup>55</sup> *ibid.*, no 554. Until Bothwell received this remission, other witnesses would not testify in the earl's favour, as they too were involved in other crimes, *CSP Scot*, x, no 559 enc..



considered that James, as in other circumstances such as the Ruthven Raid and the Brig o' Dee affair, might have been more involved than he was letting on. He suggested to the English court that they should 'make no account of it...as it is some juggling trick and so wait to laugh at the issue'.<sup>56</sup> Bowes, on the other hand, had a more circumspect opinion. He felt the claims against Bothwell were real and, although James would not seek to destroy Bothwell's house and children, he might have to take firm action against the earl himself.<sup>57</sup> As the period of imprisonment lengthened, it became increasingly difficult for Bothwell to communicate with the outside world and explain his case. Coldenknowis prevented people in the castle communicating directly with the earl and the earl's friends and associates were ordered out of Edinburgh and instructed not to come within four miles of the capital.<sup>58</sup> Bothwell retained the support of his wife, Margaret Douglas, however, she had enough to concern herself - in April 1591 she had given birth to her second son (who was named John after the earl's father).<sup>59</sup> The countess (a powerful woman in her own right) was initially allowed access to the earl but, thereafter, communications were restricted. She attempted, through Bowes and Maitland, to guarantee goodwill and assistance by offering her eldest son, lands or bonds from friends as security for her husband. Maitland responded that although he had forgiven Bothwell's previous attempts on his own life, he could not overlook threatened attempts on the king's.<sup>60</sup> As time passed and the restrictions grew, Bothwell became more worried - he feared not only

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<sup>56</sup> *CSP Dom*, iii, 75. Bowes could understand such a view: 'Because the king's plans are always revealed to Bothwell in advance, none take the king's feud seriously', *CSP Scot*, x, no 619.

<sup>57</sup> *CSP Scot*, x, no 554. Bowes had to be assured by Bothwell that he, too, had not been conspired against, *CSP Dom*, iii, 48.

<sup>58</sup> Calderwood, v, 128; *CSP Scot*, x, no 555. Coldenknowis regretted having the earl in ward and asked for him to be transferred, *ibid.*, no 559 enc..

<sup>59</sup> *CSP Scot*, x, no 559 enc..

<sup>60</sup> *CSP Scot*, x, nos 559 enc., 598. On 26 May, it was reported that Bothwell's designs to kill the king had included Glenorchy and Mr John Graham. It was likewise reported that Bothwell was drawn into the affair by evil counsel and not of his own accord, *ibid.*, x, no 569.

more false accusations concerning witchcraft and treason but also additional accusations of false coining and counterfeiting of the king's signature.<sup>61</sup>

In his efforts to free himself, Bothwell sought the support of previous allies such as Moray, Mar and the master of Glamis.<sup>62</sup> Others at court also attempted to get the earl released as they knew that, if they achieved it, they would benefit from his favour on his release.<sup>63</sup> The issue became one of influence around the king and men such as Huntly saw Bothwell's downfall as an opportunity to return to high favour at court.<sup>64</sup> Huntly's re-emergence at court was cause for considerable concern among other members of the nobility and the Stewarts, grouped around Moray, Atholl and Bothwell, drew closer together.

On 19 June - the king's twenty-fifth birthday - Atholl and Cesford placed bonds of caution for Francis Stewart.<sup>65</sup> Once a bond from Moray had been received, Bothwell was to be permitted to leave Edinburgh Castle and go directly into exile.<sup>66</sup> On 21 June, the chancellor and Alexander Lindsay, lord Spynie, went to Bothwell and acquainted him of the terms for his exile. The discussions were, in truth, negotiations: Maitland noted the terms which Bothwell

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<sup>61</sup> *CSP Scot*, x, nos 555, 559 enc.; Moysie, *Memoirs*, 97. False coining was relatively common in the marches and considerable amounts passed through Berwick. In 1587, the border commission had sought to deal with three persons named Taylor who possessed silver coins and blanks valued at £4,000 sterling. Bothwell employed two generations of Armstrongs of Whithaugh in coining. In 1591, the laird of Whithaugh crossed the border into England to escape pursuit on the charge, Pitcairn (ed.), *Criminal Trials*, i, 295; *APS*, iv, 10; Moysie, *Memoirs*, 97; Elliot, *Border Elliots*, 142. Counterfeiting the king's signature was one of the charges levelled against Arran at the time of his fall from favour, *CSP Scot*, viii, nos 60, 61. On 31 December 1591, it was reported the Ferniehurst and Ochiltree had found coining irons along with perfect and imperfect coins - it was said that these belonged to Bothwell, *ibid.*, no 638. Archibald Douglas (Bothwell's step-father and contact at the English court) also was dealing in false coin, *ibid.*, no 625. In *Basilikon Doron*, James noted several 'horrible crymes' a king could never forgive - witchcraft, murder, incest, sodomy, poisoning and false coin, Craigie (ed.), *Basilikon Doron*, i, 64.

<sup>62</sup> *NRA(S)*, 217/3/252, 217/3/254; *CSP Scot*, x, no 559 enc.. Some of the earl's newer associates such as Home, were kept busy in their own localities so that they were not able to interfere, *ibid.*, no 559 enc..

<sup>63</sup> *ibid.*, no 577. In 1592, Bothwell offered his son to Elizabeth for security if she would broker peace between himself and James, *CBP*, i, no 766.

<sup>64</sup> *ibid.*, no 555. See *Appendix 10*.

<sup>65</sup> *CSP Scot*, x, no 578. Two days before, James declared a revocation of all grants made during his minority (with a few exceptions including Maitland and Spynie), *SRO*, GD86/298.

<sup>66</sup> *CSP Scot*, x, no 578. A bond of caution was also to be received from the earl of Ar..... The editor of *State Papers* inserts Arran but, it is more likely that the bond would be from Erroll. James did not appreciate this bond, nor the one from Cesford, *ibid.*, no 643.



accepted but also noted the ones he felt too strict so that discussion could be held with James VI to see if any compromise could be reached.<sup>67</sup> At 2am on 22 June, however, the whole situation changed when Bothwell, with the assistance of Gilbert Lauder, a servant of Coldenknowis,<sup>68</sup> escaped from the castle and fled out of the west port of Edinburgh.<sup>69</sup> It could be argued that this was Maitland's last act of betrayal of the earl - to secretly tempt Bothwell into escape so that, under judicial process, he could finally crush his inveterate enemy. While such a theory is plausible (and would seem to have been a partial justification used by Bothwell himself), it does not take account of the earl's relationship with the chancellor since the summer of 1589 and the other reasons given by Bothwell for his escape.<sup>70</sup> More pertinent, Maitland's meeting with the earl had shown the resolution of the king and the hardness of his line. Bothwell recognised that compromise was not really a possibility and that his political career was effectively over. He understood that, if he accepted the king's terms, it would be extremely difficult to argue his case and prove his innocence from exile. He felt he had to be in Scotland until his name was cleared and the accusation that he sought the king's life squashed. Bothwell had maintained all along that his enemies were working against him. On the night of his escape an intercepted letter from Bowes to Burghley was left pinned to the west port.<sup>71</sup> The

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<sup>67</sup> *CSP Scot*, x, no 580.

<sup>68</sup> *ibid.*, no 578; Moysie, *Memoirs*, 86. Following the escape, Coldenknowis (Bothwell's brother-in-law) took to his bed with, what would appear to be, an acute case of stress - he petitioned to pursue Bothwell when well but still felt himself responsible, *CSP Scot*, x, no 580.

<sup>69</sup> *CSP Scot*, x, no 580; *CSP Dom*, iii, 65; *CBP*, i, no 711; Birrel, *Diary*, 25; Calderwood, v, 132; Spottiswoode, ii, 412; Steuart (ed.), *Memoirs of Melville of Halhill*, 354; Mackenzie (ed.), *Chronicle of the Kings of Scotland*, 143; McElwee, *Wisest Fool*, 73; Scott, *James I*, 214; Stafford, *James VI of Scotland*, 60. Lord Home was also suspected of complicity in the escape and was warded, *CSP Scot*, x, no 581. The importance of escaping from ward in Edinburgh Castle should not be over-estimated: Bothwell's uncle had done so, see above page 83; in 1584, the laird of Applegarth had likewise escaped, *CSP Scot*, vii, no 18; and, at the height of the political crisis concerning the Spanish Blanks, in February 1593, the earl of Angus managed to leave the castle, Moysie, *Memoirs*, 100. In his escape from Edinburgh, Bothwell was assisted by, the master of Caithness (his half-brother), Gilbert Penicuik and two or three others.

<sup>70</sup> *CSP Scot*, x, no 581. Bothwell gave three reasons for his escape: a conspiracy by Bowes; the harshness of the terms offered by Maitland (while previous royal representatives had been more favourable); and two persons 'in chief credit with the king so dealt with him that he broke ward to save his life'.

<sup>71</sup> *ibid.*, no 580.

letter showed that Bowes, the English ambassador, was encouraging James to act against a member of the Scottish political elite.<sup>72</sup>

On 25 June, James returned to Edinburgh from a birthday hunt in Fife. He met with the privy council, executed the suspended sentence against the earl for his part in the Brig o' Dee, and issued a call-to-arms for pursuit of the earl to the borders.<sup>73</sup> The claims of treason by witchcraft, although mentioned in the warrant of forfeiture, were not pursued.<sup>74</sup> Bothwell's possessions were to be secured by the comptroller for James's personal use and his offices were to be transferred to the duke of Lennox.<sup>75</sup> Bothwell, however, did not believe he was beyond the pale. He offered to re-enter ward and stand trial for treasonably attempting to murder the king, if his previous misdemeanours were forgiven.<sup>76</sup>

The Scottish political scene now entered a period of high farce. Bothwell freely moved around Leith, the Canongate, Edinburgh, Lothian and Teviotdale. He was unable to attract sufficient support to force his restitution, yet, at the same time, he was unable to be secured by any royal forces. He approached all his contacts, including Bowes and Maitland, to attempt to reconcile himself with his monarch but James was not interested. The events of 22 June had already begun to appear not only as a question of royal authority but also of personal honour - was James really in command in Scotland or were there indeed 'too many kings in this realm'?<sup>77</sup> Musters were proclaimed for 1 July when James proposed to ride to Kelso to pursue the earl and dispose of his lands.<sup>78</sup>

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<sup>72</sup> *CSP Scot*, x, nos 580, 598. The earl also accused Bowes of conspiring to have an English man-o-war ready off the coast so that when he entered exile by ship he could be either captured or killed.

<sup>73</sup> *RPC*, iv, 643-5. The same day Eupheme MacCalzean was burnt for witchcraft, Birrel, *Diary*, 26. The keepers of Hailes, Crichton, Morham and Kelso were ordered to render their keys to the crown within six hours (James received these as requested, Calderwood, v, 133; *CSP Scot*, x, no 589).

<sup>74</sup> Pitcairn (ed.), *Criminal Trials*, i, 181-2; Birrel, *Diary*, 26; Rymer (ed.), *Fædera*, xvi, 100.

<sup>75</sup> *CSP Scot*, x, no 581; Calderwood, v, 132-3.

<sup>76</sup> *CSP Scot*, x, no 581.

<sup>77</sup> James had uttered such words when faced with numerous petitions in Bothwell's favour, *CSP Scot*, x, no 578. Some at court attempted to extract money from the earl in order to remain vocal in his support, Brown, *Bloodfeud*, 122.

<sup>78</sup> *ibid.*, no 581.



While such actions were for public consumption, James, initially, was unconcerned with the escape of the earl - he suggested to Maitland that as no trial could be had with Bothwell, the earl should prepare to depart the country under suitable caution (the landlords of Lothian and burgesses). James felt Buccleuch could be given charge of Liddesdale and that Bothwell could receive 'honourable' letters of recommendation to foreign princes.<sup>79</sup> Bothwell gathered 500 men about him at Kelso and was considered to have 'moist part of the nobill men and hoill comonis...prevelie on his syd, notwithstanding he is foirfallitt'.<sup>80</sup>

The king left for Kelso 'very slenderly accompanied by a few of the nobility' and with little of the looked for support from the gentlemen of Lothian.<sup>81</sup> James decided not to pursue Bothwell as the earl had proposed 'to give him place with all humility' and petition James for submission.<sup>82</sup> James, however, did accept a political bond by border lairds against Bothwell and began a process of prosecuting those who would not pledge him loyalty and converting those who would.<sup>83</sup> The king also proceeded to distribute the earl's lands and granted Hailes, Crichton and the offices of sheriff of Lothian and admiral to the duke of Lennox.<sup>84</sup> Some saw this as an opportunity to split Lennox away from the Bothwell-favouring Stewart faction,

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<sup>79</sup> Akrigg, G P V (ed.), *The Letters of James VI & I* (Berkeley, 1984), 112-5. Lennox was initially reported as being given Liddesdale as he was already acting as lieutenant for the west march. Lennox, however, sought to be rid of the latter charge due to the burden of responsibility and expense. Although he may have been nominally responsible for Liddesdale during the summer of 1591, he had no objection to it being given to Buccleuch, *CSP Scot*, x, no 590. Sir John Carmichael was considered for (and received) the office of depute to Lennox in Liddesdale but likewise wanted to be rid of his current responsibilities on the west march, *CSP Scot*, x, nos, 581, 589. Within a week Carmichael had resigned his office in Liddesdale, *CSP Scot*, x, no 595.

<sup>80</sup> Rymer (ed.), *Fædera*, xvi, 108.

<sup>81</sup> *CSP Scot*, x, no 586. On 2 July - the day James left for Kelso (a day later than planned), - Bothwell left Crichton and travelled by Dalkeith to Edinburgh with a small company. He was next reported to be just south of Aberdeen and Hunter speculated that all the political shenanigans were really an attempt to secure more money from Elizabeth - the king always going where he was sure Bothwell was not, *ibid.*, no 589; see also *CSP Scot*, x, nos 588, 590.

<sup>82</sup> *CSP Scot*, x, no 586. James rebuked Maitland for speaking in Bothwell's favour while they were at Kelso, *ibid.*, no 590. James was initially unwilling to enter into talks until the earl was back within Edinburgh Castle but later instructed Maitland and Robert Melville to enter negotiations. It was felt James would give the earl his conditions in the end, *ibid.*, no 586.

<sup>83</sup> Lee, *Maitland*, 231; Stafford, *James VI of Scotland*, 62; Ridpath, *Border History*, 677. See *Appendix 11*.

<sup>84</sup> *RPC*, iv, 668; Calderwood, v, 138. For considerations of Lennox's part, see *CSP Scot*, x, no 590, 592.



however, others recognised that, due to the closeness of the relationship, Lennox might even seek Bothwell's permission to hold the lands and offices.<sup>85</sup> Liddesdale was granted to Buccleuch (Bothwell's step-son) and, although Scrope felt this would rip the heart out of the Bothwell/Home/Buccleuch alliance, others considered that it would not strip too many friends or associates away from their support of the earl.<sup>86</sup> The latter interpretation appears to have been more accurate - with the earl in disgrace, Liddesdale continued to represent a problem for the central government and even Bowes (who had always had a mixed relationship with the earl) warned James of the dangers caused by his continual disfavour.<sup>87</sup>

James was faced with a formidable coalition in favour of Bothwell - Lennox played a significant rôle in backing the earl and others of the nobility and household at court, the countess of Bothwell, queen Anna (and, it was suspected, queen Elizabeth), petitioned for his restitution.<sup>88</sup> On a number of occasions, around the middle of July 1591, the master of Caithness (the earl's half-brother) and captain Hackerston, secretly approached Maitland and attempted to re-gain favour for Bothwell by promises of revealing all that was known about actions taken against the king or the chancellor. However, it was not a simple petition. The

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<sup>85</sup> *CSP Scot*, x, no 590.

<sup>86</sup> *ibid.*, no 590; *CBP*, i, no 709. It was likewise rumoured that Buccleuch only took Liddesdale with Bothwell's consent, *CSP Scot*, x, no 592. Buccleuch was confirming kindly tenants in their lands by September 1591, Fraser (ed.) *Buccleuch*, ii, 249. When Buccleuch was granted permission to go abroad in August 1591, Liddesdale was again left without a keeper, and James had to turn to the recently restored Robert Ker, son of the laird of Cesford, *ibid.*, nos 605, 616, 623; Fraser (ed.), *Buccleuch*, ii, 248-50. With Liddesdale granted to one of Bothwell's strongest enemies, the duke of Lennox took an active interest in gaining it (the rumour being that it was for the sustenance of Bothwell), *CSP Scot*, x, nos 627, 627 enc., 630. Cesford was willing to acquiesce and was prepared to accept Kelso instead, *ibid.*, no 638. James already had considered alienating the lands of Kelso and Coldingham to lord Home, but had vacillated, *ibid.*, nos 590, 638.

<sup>87</sup> *CSP Scot*, x, nos 557, 562, 568, 577.

<sup>88</sup> *CSP Scot*, x, no 586, 598; *CBP*, i, no 715; Lee, *Maitland*, 234, 237. Anna dropped her petition when James became enraged and railed against those who had petitioned her to approach him, *CSP Scot*, x, no 590. The relationship between Bothwell and Anna was generally positive. Williams believed that Bothwell was liked by the queen because he treated her with respect and had a number of close colleagues in her household, Williams, *Anne of Denmark*, 42. Later, Bothwell was prepared to support Anna against James concerning the up-bringing of prince Henry Frederick and such closeness led to rumours that the relationship went further. In 1595, there was even an accusation that 'Bothwell went commonly to bed with her...the poor impotent king looked through his fingers', Public Record Office, SP12/253, ff. 122r&v; *CSP Dom*, iv, 86-7; *CSP Scot*, x, no 542; Anderson, *Black Patie*, 25.



approach included a threat that if Maitland did not help persuade the king that Bothwell was not guilty, then the earl and his supporters would have to start approaching people who could be of more help. Maitland, aware that he was despised within Scotland, promised to repair to court immediately and petition the king.<sup>89</sup>

The earl was less secure than this would imply. Bothwell had had to dismiss the majority of his household servants in Lothian with a result that the earl 'haunted' Crichton during the day. At night, he took to the woods around Crichton or rode to Leith (a lively port). The earl's servants soon grew tired of his insecurity and his horses grew tired of constant night riding.<sup>90</sup> Some of his supporters, such as the son of the laird of Niddry Marischal ('the chief about him'), sought forgiveness from James and left the earl's company.<sup>91</sup> While Bothwell was again prepared to go into exile, James was only prepared to consider it if he submitted himself and re-entered ward in Edinburgh Castle.<sup>92</sup>

James issued proclamations in Edinburgh, Leith and the marches forbidding Bothwell's reset,<sup>93</sup> but, when officers attempted to arrest him in Leith, he refused to leave as a good supper was waiting. Although the common bell was rung and the citizens of Leith were mustered, even then, the earl was not arrested. He rode openly to the Netherbow, taunted Maitland and then rode on to Crichton.<sup>94</sup> It was a demonstration of bravado: in private he might well have been insecure, but in public he was fearless. In the duel between crown and earl, the latter had several advantages: not only did he had a reputation for strength and volatility, but he had numerous supporters within Edinburgh and the court and sufficient funds to keep them compliant.<sup>95</sup> Francis Stewart had always been a public figure at ease with the

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<sup>89</sup> *CSP Scot*, x, no 592. Bothwell was not satisfied with Maitland's efforts and, at the end of July, was reportedly trying to kill the chancellor, *ibid.*, nos 593, 595.

<sup>90</sup> *CSP Scot*, x, no 592. For other movements of Bothwell, see *ibid.*, nos 593, 595, 606.

<sup>91</sup> *ibid.*, no 592.

<sup>92</sup> *ibid.*, no 592.

<sup>93</sup> *CSP Scot*, x, nos 592.

<sup>94</sup> *ibid.*, nos 595; Calderwood, v, 138; James was reportedly 'greatly offended'.

<sup>95</sup> Brown, *Bloodfeud*, 122.

common people of Edinburgh and Leith. He had been diligent in his rôles of admiral and sheriff and had actively sponsored some of their less legal practices. Compared to Maitland, Bowes and even James, he was extremely popular.<sup>96</sup>

James was not put off by the initial failure of his methods, instead he increased the pressure: earl Marischal was warded for his associations with Bothwell (whether real or imagined);<sup>97</sup> a new muster was called and men such as lord Home were encouraged to disown the earl;<sup>98</sup> officers set out to arrest and ward the master of Glamis and sir William Keith;<sup>99</sup> and a commission was given to the master of Ochiltree, nephew of the murdered William Stewart, to apprehend Bothwell.<sup>100</sup> By 6 August, James had mustered a force of 3,000 and set off to pursue Bothwell. The earl attempted to gather troops to face the king's force but failed (indeed, he lost two of his closest supporters, Home and Buccleuch to the king's forces in the days leading up to the intended confrontation).<sup>101</sup> Bothwell left Lothian and, initially, headed for Kelso (where he dismissed the servants he maintained in that establishment) but soon he set off for Caithness, backed by only four supporters.<sup>102</sup> In the late summer of 1591, James was in a position of political dominance that he would not enjoy for the next four years: his administration was united; he enjoyed a strong position in regard to the kirk;<sup>103</sup> and the threat

<sup>96</sup> *CSP Scot*, x, no 612; Donaldson, *James V to James VII*, 188; Willson, *James VI and I*, 98.

<sup>97</sup> Calderwood, v, 138. Also warded, at the same time, was Peter Kinloch, servant of Bothwell.

<sup>98</sup> *CSP Scot*, x, no 598; *CBP*, i, no 723. The raid was initially intended against Home as well but various other members of the Home kindred (principally Huttonhall, Broxmouth and North Berwick) petitioned the king to dissuade him from acting against Home whom they said they would persuade to leave Bothwell.

<sup>99</sup> *CSP Scot*, x, nos 595. The commissioners did not find the master of Glamis but took the young lord Glamis to court instead. Sir William Keith was not taken either, *ibid.*, no 598.

<sup>100</sup> *ibid.*, no 599. Other lords were summoned to come to court but, while Hamilton complied, some others claimed they were too sick to travel, *ibid.*, no 595.

<sup>101</sup> *CSP Scot*, x, no 598. See also *Appendix 12*. Bothwell, already running short of money, also lost his coffers, plate and clothing when these were taken by William Leslie, keeper of Roslin Castle, *CSP Scot*, x, no 598. Leslie had been appointed keeper by Huntly, who had the escheat of the laird of Roslin (a Bothwell supporter), *ibid.*, no 598.

<sup>102</sup> *ibid.*, nos 598, 606. James continued the pursuit and when Bothwell was sheltered by Atholl, Atholl was warded, *ibid.*, nos 609, 610.

<sup>103</sup> *ibid.*, nos 609, 610; Calderwood, v, 512-4; Shaw, *The General Assemblies of the Church of Scotland*, 64.



of Bothwell seemed to have receded with the earl so weakened that he could not cause further trouble.<sup>104</sup>

Faced with a widespread loss of support encouraged by James's moderate policy against him, Bothwell sought alternatives and considered military service on the continent.<sup>105</sup> Throughout the summer of 1591, Bothwell felt that European exile was a reasonable possibility although he would only entertain it if he could be assured of his rents while he was abroad and if his children and family were provided for.<sup>106</sup> James, initially, was happy that the countess and her children remain unaffected by Bothwell's disgrace. He conceded that Margaret Douglas could retain the lands granted to her by Walter Scott of Buccleuch, her first husband, and that some of the corn of Kelso (presumably from her terce-lands from Francis Stewart) could be placed in neutral hands for her use. However, as the summer progressed and the king's position strengthened, James withdrew his support for these concessions and commanded that no other person should put forward a suit for Bothwell.<sup>107</sup> James also deployed royal agents to lands previously held by the earl in order to collect rents and dues and make them available for the king's use.<sup>108</sup> Despite this, Bothwell was able to gather some of his rents and even began to settle debts to his friends.<sup>109</sup> The earl wrote to James begging

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<sup>104</sup> Spottiswoode, ii, 417.

<sup>105</sup> *CSP Scot*, x, no 598, 599. It was rumoured that Bothwell was offering service to the king of Spain (some of his maritime 'servants' - who were still engaged in piracy - went to Spain with offers). It was also rumoured the earl might attempt to take (or visit) Orkney, The latter was more likely - he informed the Lady of Lindores, daughter of Robert, earl of Orkney, that he might visit her father, *ibid.*, nos 619, 623.

<sup>106</sup> *ibid.*, nos 588, 606. It had been speculated that the rents and livings of Bothwell would be granted to Maitland, *ibid.*, no 586.

<sup>107</sup> *CSP Scot*, x, nos 606, 608. In a letter from Bothwell delivered to the king by Colonel Stewart, the earl again stressed his willingness to stand trial and his obedience to James while asking that his 'beloved wife' and children were taken under royal protection. On 18 October, James attempted to capture Bothwell in Leith. The king was badly prepared but captured one of Bothwell's servants and his best horse - Valentine. Although it was later disputed whether Bothwell was in Leith at all, his countess was and she was commanded into ward in Aberdeen. The countess blamed Maitland for the earl's problems and the warding finally broke the friendship between the chancellor and the earl, *ibid.*, nos 616, 618. Friends of the countess acceded to her requests for petitions concerning her warding but refused to petition for the earl, *ibid.*, nos 606, 607 enc..

<sup>108</sup> *CSP Scot*, x, no 606.

<sup>109</sup> *ibid.*, no 627.

for clemency and prepared to depart the realm.<sup>110</sup> As autumn turned to winter, however, Bothwell took ill and was too weak to travel.<sup>111</sup>

On 27 December 1591, Bothwell and his company of around sixty entered Holyrood palace through the duke of Lennox's stables.<sup>112</sup> Aston reported that 'the king was hardly pursued' and that the main force of the attack was against Maitland.<sup>113</sup> Their cry was not one of malicious intent but 'Justice! Justice!'.<sup>114</sup> Nevertheless, James regarded the raid as another attack against his personal honour.<sup>115</sup> The king, who saw the motivation for the raid as wholly political, was unable to comprehend the heart-felt resentment of a large proportion of the nobility against the political control of Maitland and was unwilling to consider the options offered by the restitution of Bothwell.<sup>116</sup> Although the raid failed to secure Bothwell's objectives, the day after, James went to St Giles and made a speech attacking the earl for his actions and for the slaughter of a number of his close personal servants. To the king's surprise, instead of receiving the support of the kirk, he was rebuked by the minister for his own actions and policies.<sup>117</sup> From Bothwell's viewpoint, the primary motivation for the

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<sup>110</sup> *CSP Scot*, x, no 608 enc..

<sup>111</sup> *ibid.*, no 623; Cowan, 'Darker Vision', 132.

<sup>112</sup> *CSP Scot*, x, no 639 enc.; *CBP*, i, nos 740, 741; HMC, *Marquis of Salisbury*, iv, 177; Calderwood, v, 140-1; Spottiswoode, ii, 417-9; Moysie, *Memoirs*, 87; Birrel, *Diary*, 26; *Historie*, 243-5; Steuart (ed.), *Memoirs of Melville of Halhill*, 355-8; Mackenzie (ed.), *Chronicle of the Kings of Scotland*, 143; Fraser (ed.), *The Melvilles*, i, 115, 165; Lee, *Maitland*, 235; Bingham, *James VI of Scotland*, 132; Bevan, *King James VI & I*, 50; Scott, *James I*, 215; McElwee, *Wisest Fool*, 73; Willson, *James VI and I*, 106; Stafford, *James VI of Scotland*, 62-3. For the earl's supporters, see Appendix 8.

<sup>113</sup> *ibid.*, no 646. James Douglas of Spott attempted to rescue two of his servants (who had previously been tortured) from the gatehouse. For background to this, see Spottiswoode, ii, 418.

<sup>114</sup> *CSP Scot*, x, no 646; Steuart (ed.), *Memoirs of Melville of Halhill*, 355. The countess of Bothwell lodged in the Canongate after the attack with her own company - she hoped that if Bothwell recovered favour, she would have favour with the queen, *CSP Scot*, x, no 646.

<sup>115</sup> *CSP Scot*, x, no 695; Brown, *Bloodfeud*, 113.

<sup>116</sup> HMC, *Marquis of Salisbury*, iv, 177; *CBP*, i, no 741; Spottiswoode, ii, 417; Fraser (ed.), *The Melvilles*, i, 156-7. Maitland blamed 'the whole Douglasses, the whole Stewarts and the whole of the town of Leith' for the raid. James hanged eight of Bothwell's supporters captured in the raid, without trial.

<sup>117</sup> *CSP Scot*, x, nos 639 enc., 646; *CBP*, i, no 741; *Historie*, 251; Birrel, *Diary*, 26; Calderwood, v, 142; Spottiswoode, ii, 419; Cameron (ed.), *Warrender Papers*, ii, 166; McElwee, *Wisest Fool*, 73; Willson, *James VI and I*, 106. James VI wrote a sonnet for John Shaw and Marjory Shaw, his sister, received an annual pension of £1,200 which, in the reign of Charles I, was still being paid, Masson,



Holyrood raid had been desperation - it had been intended to be the last attempt by the earl to achieve reconciliation with the king before his support was so depleted that he would have no option but to go abroad without guarantees for his living and family.<sup>118</sup>

In the month following the Holyrood raid, James abandoned the Canongate for the safer confines of Edinburgh. Despite this, he still sought to actively pursue the earl and instructed Huntly and Lennox to pursue the earl in the west while he, personally, raised forces and rode to east Lothian in search of the earl (with no success, he fell off his horse into the Tyne).<sup>119</sup> James did not only employ military means: he encouraged David Edmeston, laird of Burnhouse (a servant of Bothwell), to act as a turncoat and use his familiarity with Bothwell to entrap the earl.<sup>120</sup> Although Burnhouse's attempt was fruitless, as January progressed it became clear that Bothwell's last gambit had failed - he was to have no reconciliation with the king. In late January, the earl, his wife and four others rode to Dumbarton with the intention of passing to the continent (east coast ship owners had been forbidden to transport the earl).<sup>121</sup>

If Bothwell had been serious about leaving, the murder of James Stewart, earl of Moray rapidly changed his mind.<sup>122</sup> On 25 January, letters putting Moray to the horn for resetting Bothwell had been served at Damaway.<sup>123</sup> As Moray was not at Damaway, the horning could not be enacted, however, the situation soon escalated. On 7 February, the earl of Huntly's

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D, & Hume Brown, P (edd.), *The Register of the Privy Council of Scotland. Second Series*, 8 vols (Edinburgh, 1899-1908), i, 202.

<sup>118</sup> *CSP Scot*, x, nos 652, 653, 654. Bothwell still retained the support of many townspeople within Edinburgh. They had initially prevented the king from executing John Gibson, the bailie of Crichton, and disturbed the monarch with their 'disordered affection' for the earl.

<sup>119</sup> *ibid.*, nos 652, 653; Moysie, *Memoirs*, 88; Calderwood, v, 143-4; McElwee, *Wisest Fool*, 73; Willson, *James VI and I*, 106; Stafford, *James VI of Scotland*, 63.

<sup>120</sup> Steuart (ed.), *Memoirs of Melville of Halhill*, 359; Willson, *James VI and I*, 106. Halhill detects a deliberate policy of abandonment of Holyrood for the safer confines of Edinburgh.

<sup>121</sup> *CSP Scot*, x, nos 654, 691; Moysie, *Memoirs*, 88. The ships specifically named were *The Elspeth of Dysart*, *The Turtle Dove of Leith*, *The Lyon of Dysart*, *The John of Fisherrow* (Musselburgh), *The Esperance of Leith*, *The Janet of Preston* and *The Christopher of Leith*. Dumbarton was considered safe as William Stewart, one of Bothwell's supporters, had recently been constable of Dumbarton Castle, *RPC*, iv, 716-7. The earl's party did not depart as the wind was against them.

<sup>122</sup> *CSP Scot*, x, no 657.

<sup>123</sup> *NRA(S)* 217/3/356. See also Calderwood, v, 144, 147.

forces surrounded Moray's southern residence at Donibristle and set it alight. Although Moray escaped, he was later caught on the shore and murdered in a manner which horrified contemporary society. James, instead of pursuing Huntly, set out instead to pursue Bothwell in the west - an action which some took as an indication of collusion.<sup>124</sup> While James went to the west, an enraged Bothwell returned to the borders and began acquiring new supporters.<sup>125</sup> Bothwell recognised the power of the kirk and the power of anti-catholic rhetoric and began to actively woo the protestant ministers.<sup>126</sup> Bothwell had also risen in favour at the Scottish and English courts,<sup>127</sup> and this greatly perturbed James who feared a coalition similar to the mid 1580s when Elizabeth had sent military assistance into Scotland to restore order and defend protestantism.<sup>128</sup> That said, in the period immediately after the death of Moray, the influence of Bothwell was still depleted but open to exaggeration: on 13 March, Bothwell was accused of taking a trunk containing £4,000 from one of Huntly's servants travelling between Perth and Queensferry;<sup>129</sup> the earl was accused of capturing the royal castle of Lochmaben;<sup>130</sup> and he was noted as preparing for a major attack on the chancellor's house of Lethington.<sup>131</sup> None

<sup>124</sup> *CSP Scot*, x, nos 659, 660; *RPC*, iv, 733-5; Calderwood, v, 146-9; Spottiswoode, ii, 419-20; Moysie, *Memoirs*, 88-92; Steuart (ed.), *Memoirs of Melville of Halhill*, 362-3; Mackay, W (ed.), *Chronicles of the Frasers* (SHS, 1905), 214; Pitcairn (ed.), *Diary of Mr James Melvill*, 294; Lee, *Maitland*, 238-42; Brown, *Bloodfeud*, 144-83; Donaldson, *James V to James VII*, 189; Willson, *James VI and I*, 106-8; Stafford, *James VI of Scotland*, 63-5. It was suspected that this was little more than an excuse to remove the king from the capital following the murder of Moray, *CSP Scot*, x, nos 662, 664.

<sup>125</sup> *CSP Scot*, x, nos 664, 665, 666; Moysie, *Memoirs*, 92. Willson has viewed the king's actions following the death of Moray as 'wandering about in an aimless fashion', Willson, *James VI and I*, 108. One of the most significant defections was that of lord Ochiltree, who resented the attack on any of the Stewart 'faction'.

<sup>126</sup> *CSP Scot*, x, no 669; HMC, *Marquis of Salisbury*, iv, 202; Calderwood, v, 149-56; Lee, *Maitland*, 243-4. Bothwell compared the situation to the time of James III and the accusation by that king of his brother, the earl of Mar, as a witch. He also widened the argument and asked why 'a puddock stool of a night' was allowed the opportunity 'to occupy the place of ancient cedars'.

<sup>127</sup> *CSP Scot*, x, no 665; Calderwood, v, 149; Lee, *Maitland*, 244.

<sup>128</sup> *CSP Scot*, x, nos 670 enc., 677, 686, 695. James attempted to get Walter Stewart, prior of Blantyre to draw the Stewarts around him and not Bothwell, *ibid.*, nos 670 enc., 671, 675.

<sup>129</sup> *CSP Scot*, x, no 668. Although Bothwell could have done with the money, the actual assailant was Robert Stewart, brother of the laird of Innermeath and a servant of the late earl of Moray, *ibid.*, no 670.

<sup>130</sup> *ibid.*, no 702; *CBP*, i, nos 748, 750. He was reported to have entered the castle disguised as a woman.

<sup>131</sup> *CBP*, i, no 751. He was reportedly intending to kill Maitland.



of the accusations were accurate but the earl was, again, able to ride openly over most of the country. Petitions in his favour resumed and James, exasperated, took to writing a series of letters to lords Home and Seton which encouraged them to 'cutt the throates of the lord Bothwell and all his associates'.<sup>132</sup>

James, again, moved to restrict the earl's increasing influence (repeating almost exactly the circumstances of nine months before). On 1 March 1592, Richard Graham, the accuser of Bothwell, was burned as a witch despite various promises of his life;<sup>133</sup> moves were made to suppress the earl's supporters on both land and sea;<sup>134</sup> the king took personal responsibility for the dispersal of Bothwell's lands;<sup>135</sup> the houses of some of Bothwell's supporters were ordered to be cast down;<sup>136</sup> in the parliament of May/June 1592, Bothwell, his wife, his two sons and twenty-one accomplices were forfeited and attainted;<sup>137</sup> and, in June 1592, partly to assuage the reaction following Moray's death and attempt to draw the kirk away from the support of Bothwell, parliament passed the 'Golden Act' which annulled some of the 'Black Acts' of 1584 and bound James to the strengthened position of the reformed kirk.<sup>138</sup>

<sup>132</sup> Rymer (ed.), *Fædera*, xvi, 219, 230; HMC, *Marquis of Salisbury*, iv, 202. Some of Bothwell's friends were encouraged to kill the earl in Caithness, HMC, *Marquis of Salisbury*, iv, 202.

<sup>133</sup> *CSP Scot*, x, no 666(!); xi, no 110; Calderwood, v, 148-9; Birrel, *Diary*, 26. Birrel and Calderwood date the event on the last of February. Richard Graham also had been implicated in the death of sir Lewis Bellenden of Auchnoul, the justice clerk, by witchcraft, Rogers, C (ed.), *The Staggering State of Scottish Statesmen from 1550 to 1650. By Sir John Scot of Scotstarvet* (Grampian Club, 1872), 104.

<sup>134</sup> *CSP Scot*, x, nos 677, 678, 679; Moysie, *Memoirs*, 93. The actions were, principally, against the earl of Atholl and the master of Gray who had sheltered Bothwell. Gray had allowed the earl to embark on the *Black Lion of St Andrews* at his castle of Broughty. The ship was bound for Caithness (via Peterhead). James sent two ships in pursuit, *CSP Scot*, x, no 679.

<sup>135</sup> *RPC*, iv, 751. Anyone who informed on a resetter of Bothwell was promised a gift of the lands of the resetter, *ibid.*, 765.

<sup>136</sup> *ibid.*, 769.

<sup>137</sup> *APS*, iii, 532; *CSP Scot*, x, nos 687, 691; Calderwood, v, 166; Moysie, *Memoirs*, 94. An interesting point is that there are no Hepburns in the forfeiture. He was forfeited not only for his treason at the Brig o' Dee but for his dealings with Richie Graham and the Holyrood raid, *CSP Scot*, x, no 691; Birrel, *Diary*, 27. James compared the situation to the rebellion of the earl of Atholl against James I, specifically stating that Bothwell was seeking to put the crown on his own head, Calderwood, v, 160.

<sup>138</sup> Calderwood, v, 156-66; Fraser (ed.), *The Melvilles*, i, 157. Despite this, the kirk still tended to favour Bothwell, HMC, *Marquis of Salisbury*, iv, 205.

The efforts by the king and the government were only partly successful: in June Bowes still considered that

the grudge of Moray's slaughter so works in the hearts of most men, and in the well affected, that they will not give their endeavours to touch Bothwell or prevent any matter threatening alteration of this state<sup>139</sup>

Blame for the murder was personally attached to James but equally to his counsellors.<sup>140</sup> Bothwell, as a result, anticipated fresh levels of support from the majority of the Scottish nobility or, at least, its benevolent neutrality.<sup>141</sup> In late June, almost everyone was anticipating a fresh attempt by Bothwell to recover favour.<sup>142</sup> The nobility recognised that, if James pursued any policy concerning noble factionalism at court, it was a policy of balance - the famed *via media*. With Moray dead, Bothwell had to be brought back into the fold or the king would risk alienating a large section of the political or religious community. On 26 June, Bothwell crossed the Forth at Queensferry bound for Falkland with three troops of horse numbering over 400.<sup>143</sup> Again, he had been encouraged to act by various parties.<sup>144</sup> James, initially, did not believe a raid credible, however, on 27 June, with the covert backing of 'sundry noblemen of great authority', Bothwell besieged James in Falkland Palace for six

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<sup>139</sup> *CSP Scot*, x, no 695.

<sup>140</sup> *ibid.*, no 695. Maitland had been forced to leave court for Lauder on 30 March 1592, Calderwood, v, 149; Lee, *Maitland*, 247.

<sup>141</sup> *CSP Scot*, x, nos 696, 727. There were a few exceptions: Perth continued loyal to the king, Maidment (ed.), *The Chronicle of Perth*, 5, as did the earls of Mar and Morton and lord Lindsay. The master of Gray claimed to Burghley that 'almost the whole body of the nobility are joined in this course', *CSP Scot*, x, no 719.

<sup>142</sup> *CSP Scot*, x, no 705; Brown, R, Brown, H F, Bentinck, G C, & Hinds, A B (edd.), *Calendar of State Papers and Manuscripts relating to English Affairs, existing in the Archives and Collections of Venice, and in other Libraries of Northern Italy*, 38 vols (London, 1864-1940), ix, no 45.

<sup>143</sup> *CBP*, i, nos 753, 759; *Historie*, 250-1; Calderwood, v, 168; Spottiswoode, ii, 421-2; Steuart (ed.), *Memoirs of Melville of Halhill*, 365-6; Mackenzie (ed.), *Chronicle of the Kings of Scotland*, 145; Fraser (ed.), *The Melvilles*, i, 114-5, 158; Bingham, *James VI of Scotland*, 133; McElwee, *Wisest Fool*, 74; Willson, *James VI and I*, 110-1; Bevan, *King James VI & I*, 51. Other supporters had raised troops and stationed them in Fife, *CSP Scot*, x, no 712. (Spottiswoode claims the numbers were closer to 100). The action took place at the end of the normal term for forfeiture - a year-and-a-day.

<sup>144</sup> Spottiswoode, ii, 421.



hours.<sup>145</sup> While the exact details of the composition of Bothwell's forces at this point are uncertain, it is clear that, as well as Scottish borderers, the earl was accompanied by a number of English outlaws.<sup>146</sup> Bowes again noted that the raid was not directed against the king but against his principal counsellors, sir James Carmichael and George Home, feuar of Spott.<sup>147</sup> With the failure of Falkland, although Bothwell sought to maintain the pressure on the Jacobean court, he also prepared to depart out of Scotland.<sup>148</sup>

As happened after the Holyrood raid, James immediately set out to pursue Bothwell and ordered those faithful to him to arrest the earl.<sup>149</sup> Various members of Bothwell's company were captured, tortured and executed,<sup>150</sup> and the king petitioned Elizabeth not to reset any of those involved in the attacks against his person.<sup>151</sup> In the summer of 1592, James instituted proceedings against favourers of Bothwell at court and wrote to Elizabeth seeking advice on what to do with Bothwell.<sup>152</sup> The English queen rebuked James that 'it was the king's own fault' and suggested that, instead of pursuing Bothwell, he should concentrate on pursuing those who deserved to hang.<sup>153</sup> James ignored the advice and levied an armed guard of 300

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<sup>145</sup> *CSP Scot*, xi, no 26; Moysie, *Memoirs*, 94; Steuart (ed.), *Memoirs of Melville of Halhill*, 365. The majority of the king's close council - Maitland, Spynie, Angus, Morton and Lindsay - were in Edinburgh and had to seek shipping across the Forth from Leith to ride to his aid, *CSP Scot*, x, no 706.

<sup>146</sup> *CSP Scot*, x, no 707; Spottiswoode, ii, 422. Bills for Englishmen who accompanied Bothwell to Falkland totalled £104,000 (£13,000 sterling), *CSP Scot*, xi, no 24. James, reputedly, was more concerned with his honour than the money but repeatedly asked for redress, *CSP Scot*, xi, no 24, 60, 81, 90.

<sup>147</sup> *CSP Scot*, x, no 706. Bothwell was adamant that no harm should come to James, *ibid.*, x, no 721.

<sup>148</sup> *CSP Scot*, x, no 721. In the aftermath of Falkland, the earl had been rumoured to be dead, instead he was very ill, *ibid.*, nos 716, 718.

<sup>149</sup> *ibid.*, no 707; Spottiswoode, ii, 422.

<sup>150</sup> *CSP Scot*, x, nos 708, 712; *CBP*, i, no 755; Calderwood, v, 168-71. Some of those captured by lord Hamilton, were allowed to escape, *CSP Scot*, x, no 716; HMC, *Marquis of Salisbury*, xiii, 470-1; Lee, *Maitland*, 252. Hamilton was increasingly noted as malcontent, *CSP Scot*, x, no 720; Birrel, *Diary*, 28; see also *Appendix 8*.

<sup>151</sup> Akrigg (ed.), *Letters of James VI and I*, 117-8.

<sup>152</sup> Willson, *James VI*, 111. Bothwell had previously 'been very kind to his king's majesties servants and drank with them', HMC, *Marquis of Salisbury*, xiii, 470-1.

<sup>153</sup> *CSP Scot*, xi, no 3; Stafford, *James VI of Scotland*, 67. Elizabeth dealt fairly with Bothwell: she was conscious that Bothwell was making himself too evident and inviting James to complain, Ridpath, *Border History*, 470. She stated she would not disclose that Bothwell was the source of her Scottish information but neither would she assist him in seeking the destruction of the king. (Bothwell promised the queen more information if she would petition for him, *CSP Dom*, iii, 342.)

guards for his protection (paid for by Maitland and sympathetic members of the rest of the nobility).<sup>154</sup> By this stage, Bothwell did not desire the return of all his lands or goods, only a pardon and enough to live on.<sup>155</sup> On 20 July, the earl gathered over 200 horse at Cramond Bridge in order to approach the king (as his uncle had approached Mary twenty-five years earlier).<sup>156</sup> James, aware Fife was not safe, left Falkland for Holyrood and, two days later, he attended a service in St Giles where he made another speech against the earl.<sup>157</sup> James now saw the matter of Bothwell and his supporters as sport: 'now it rests for me to hunt them as best I may'.<sup>158</sup>

The situation returned to that of previously - James attempted to deprive Bothwell of his support as the earl attempted to form a larger party to further his cause.<sup>159</sup> The earl retained the tacit support of many members of the Scottish nobility although some prominent courtiers occasionally found it more appropriate to act against the earl instead of for him. In August 1592, the duke of Lennox captured the lairds of Burleigh and Logie and charged them with assisting Bothwell. Both admitted the charge and the laird of Logie informed the king of three separate plans to surprise the monarch.<sup>160</sup> As a result of Bothwell's unpredictability, James felt unsecure anywhere in the south of his kingdom - Logie even had the assistance of a lady of

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The English queen did petition for Bothwell and wrote to James about a hypothetical case of someone who could assist the realm in return for his life and a basic living. James, obviously aware of who the hypothetical party was, did not respond, *CSP Scot*, xi, no 3.

<sup>154</sup> *CSP Scot*, x, no 721.

<sup>155</sup> *CSP Scot*, xi, no 3. In August 1592, James considered covertly dealing with Bothwell to depart on the condition that his sons would receive Coldingham and Kelso, *CSP Scot*, x, no 747; *CBP*, i, no 757. Colonel Stewart attempted to meet with Bothwell to discuss this but Bothwell did not trust his motives and failed to keep the meeting, *CSP Scot*, x, no 753.

<sup>156</sup> *ibid.*, nos 721, 722, 723; Birrel, *Diary*, 27; Calderwood, v, 172. He had various other supporters with troops in Fife and Lothian, *CSP Scot*, x, no 722, 723, 724, 725.

<sup>157</sup> *CSP Scot*, x, no 725; Birrel, *Diary*, 27. Willson has interpreted the summer of 1592 as a period of wandering by James VI, Willson, *James VI and I*, 111. Bothwell too came over to Lothian but eighteen of his men were captured at Caldermoor and all were taken to Edinburgh and hanged, Birrel, *Diary*, 28; Spottiswoode, ii, 422.

<sup>158</sup> Akrigg (ed.), *Letters of James VI and I*, 117-8.

<sup>159</sup> *CSP Scot*, x, nos 721, 749; Moysie, *Memoirs*, 96.

<sup>160</sup> *CSP Scot*, x, no 735; *CBP*, i, no 767; Moysie, *Memoirs*, 94; Steuart (ed.), *Memoirs of Melville of Halhill*, 3559; Willson, *James VI and I*, 106; see also *Appendix 12*.



the queen's bedchamber.<sup>161</sup> Even when James considered staying in his capital, he was aware that Bothwell operated openly in the town and had many sympathisers there.<sup>162</sup> Following the raids of Holyrood and Falkland, a large number of Bothwell's supporters were put to the horn or forfeited and all resettlers of Bothwell were ordered to be excluded from Edinburgh along with all Jesuits, seminary priests and excommunicates - in the mind of someone, a link had been made.<sup>163</sup> Bothwell, however, remained consistent in his political and religious views and when lord Home and the master of Gray offered to form a party if he converted to catholicism, he refused.<sup>164</sup> Bothwell also retained some support on his estates - at harvest time, he attempted to acquire the rental corn of his lands of Kelso and Sprouston in order to have it threshed for his own causes.<sup>165</sup>

On 10 October 1592, James led a host south to the borders to combat Bothwell and the tenants of Liddesdale. This time, the king's actions had succeeded in their objective before he had departed from Edinburgh: the lairds of Ferniehurst and Hunthill and the bailies and town of Jedburgh abandoned Bothwell, accepted the king's governance and asked for forgiveness for past misdeeds.<sup>166</sup> Bothwell, aware his support was deteriorating, tried to trade information with James for his freedom, however further supporters, principally the laird of Niddry

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<sup>161</sup> *CSP Scot*, x, nos 734, 735; Calderwood, v, 173-4; Spottiswoode, ii, 423; Willson, *James VI and I*, 111; Fraser (ed.), *Wemyss*, i, 63, 178-9. The lady was one of the queen's Danish ladies, Margaret Twistan (who eventually married Logie). The laird of Logie was remembered as a potent threat to the king - in January 1591 he had been the cause of James 'fyll[ing] his breeches for feare' during a confrontation on Edinburgh's High Street, Calderwood, v, 116.

<sup>162</sup> *CSP Scot*, x, no 737; Spottiswoode, ii, 424. See also *CSP Scot*, x, no 771, 775, 778, 779

<sup>163</sup> *RPC*, iv, 4, 5, 6, 8, 9, 11, 13, 14, 17, 19, 20, 21, 23, 24, 25, 26, 29, 42, 66, 71; *CSP Scot*, xi, no 2. Bothwell was alleged to have been considering joining with the discontented and catholic northern lords and Maxwell, *ibid.*, x, no 695. Several of the earl's papers were found following the Falkland Raid - one of which implied an accommodation between Bothwell and Huntly, *ibid.*, nos 714, 721.

<sup>164</sup> *CSP Scot*, x, nos 733, 756; *CSP Dom*, iii, 270. Bothwell was being tempted with other Spanish money and promises, *CSP Scot*, x, no 771. When Logie was captured, he falsely claimed Bothwell had received 100,000 ducats, *ibid.*, no 735.

<sup>165</sup> *CSP Scot*, x, no 755; Moysie, *Memoirs*, 97. Sprouston had been taken from Robert Ker, younger of Cesford, and given to Lennox (possibly for Bothwell's son), *CSP Scot*, x, no 747. In May 1593, Lennox openly was accused of returning the rents from Bothwell's lands to the earl, *ibid.*, xi, no 60.

<sup>166</sup> *CSP Scot*, x, no 759; *CBP*, i, no 786; Spottiswoode, ii, 424. James had discharged those members of Bothwell's company who had come into his favour, Calderwood, v, 174; *CSP Scot*, x, no 769.



Marischal, left him.<sup>167</sup> In November, as the situation for Bothwell got increasingly desperate, his heavily pregnant countess, Margaret Douglas, cast herself at the king's feet. It was a 'set-piece' event designed to make James look unreasonable. James uttered sharp words against her and her husband but she was cheered her to her lodging by the Edinburgh citizenry.<sup>168</sup> The king, as usual, rose to the bait and demanded that the countess and those of her husband's followers he had lately received with clemency should depart from the town and remain outwith twenty miles of Edinburgh.<sup>169</sup> Instead of gaining anything from this 'set-piece', Bothwell's support was now totally depleted - only James Douglas of Spott, John Colville and Hercules Stewart were considered in the earl's company,<sup>170</sup> and, early in December 1592, Hercules Stewart (Bothwell's half-brother) also was reconciled to the king.<sup>171</sup> However, as the isolated earl ceased to be of any real concern, on 27 December 1592, George Ker, brother of lord Newbattle, was captured with a series of documents known as the Spanish blanks which indicated increased political activity on behalf of the catholic sympathising northern earls.<sup>172</sup>

Fortified by the renewed catholic threat, Bothwell retired to England to re-group and renew

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<sup>167</sup> *CSP Scot*, x, nos 771, 775. It was possible Mar had been secretly dealing with the countess of Bothwell and John Colville (the earl's closest colleague) for a 'voluntary surprise of Bothwell', *ibid.*, no 759; *CBP*, i, no 786. This would have been made easier were Bothwell to desert James Douglas, laird of Spott, and live quietly in one place, *ibid.*, no 765. Around the same time, captain Hackerston, Bothwell's principal maritime supporter, had been betrayed and captured, *CSP Scot*, xi, no 125. Despite the success of James's policies against him, Bothwell was still unprepared to be entirely ruthless when it came to dealing with the king's supporters - John Murray, one of the earl's supporters captured a son of lord Lindsay of the Byres. Lindsay had been one of the most vociferous opponents of Bothwell (he stood to gain influence in Haddingtonshire) but, instead of holding the child for ransom or exchanging him for some of his own captured supporters, the earl sent him home, *CSP Scot*, x, nos 769, 775.

<sup>168</sup> *CSP Scot*, x, no 776; Birrel, *Diary*, 28-9; Fraser (ed.), *Buccleuch*, i, 161. It was considered that Bothwell was still 'greatly favoured by the [Edinburgh] people so that few or none will hurt him', *CSP Scot*, x, no 721. The interpretation that this action was solely for Bothwell's benefit may be misleading - on 12 November 1592, Walter Scott of Buccleuch (Margaret Douglas's son) had been granted permission to return from the continent, Fraser (ed.), *Buccleuch*, i, 173.

<sup>169</sup> *CSP Scot*, x, no 776.

<sup>170</sup> *ibid.*, x, no 778. Hercules Stewart and Spott had been long-term followers of the earl; Colville had followed Bothwell since 1584, Gray, *Letters*, 17.

<sup>171</sup> *ibid.*, nos 779, 782; HMC, *Marquis of Salisbury*, iv, 247; Calderwood, v, 187-90.

<sup>172</sup> Calderwood, v, 224-31; Spottiswoode, ii, 425-7; Moysie, *Memoirs*, 99-100; Donaldson, *James V to James VII*, 189; Willson, *James VI and I*, 111; Stafford, *James VI of Scotland*, 76-82. Bothwell still had forces, numbering 300, mustered around him at Hawick, HMC, *Marquis of Salisbury*, iv, 233.



alliances of his own.<sup>173</sup> In January 1593, James declared to Bowes that if Elizabeth continued to reset Bothwell, he would break amity with England.<sup>174</sup> The threat, although said in the heat of the moment, helped to convince Elizabeth of the need for a positive counter-balance to the threat of Scottish catholicism.

In place of the previous approach of passive acceptance of Bothwell, Elizabeth and her border and court officials constructed a policy which actively encouraged the earl while openly denying all knowledge of his operations to James.<sup>175</sup> Elizabeth, like James, was adept at playing a public and private game. While the Scottish king dithered in his attempts to take action against Huntly and his colleagues, Bothwell's support continued to recover.<sup>176</sup> The earl also embarked on a propaganda offensive: on 7 February 1593 - the anniversary of Moray's murder - he wrote an amazing summary of 'sundry calumnies unjustly objected against

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<sup>173</sup> *CSP Scot*, xi, no 25; Anderson, *Black Patie*, 46. Patrick, earl of Orkney, sent money to Bothwell through Henry Colville (chamberlain of Orkney and brother of John Colville, one of Bothwell's leading agents), *ibid.*, 82. Although Henry Locke, an English agent, dealt with Bothwell on behalf of the queen, the resetting of the earl in England varied over the marches - the east and middle marches were relatively lax but lord Scrope in the west was more conscientious, *CSP Scot*, x, nos 752, 755, 765, 775; xi, no 70; *CSP For (Eliz)*, iii, no 681; *CBP*, i, nos 757, 766, 794, 804, 819, 831; HMC, *Marquis of Salisbury*, iv, 230. The countess of Bothwell likewise received succour in the English west march, *CBP*, i, no 757. See also Brown, K M, 'The price of friendship: the "well affected" and English economic clientage in Scotland before 1603', *Scotland and England, 1286-1815*, ed. R Mason (Edinburgh, 1987), 152.

<sup>174</sup> *CSP Scot*, xi, no 8. It is possible that Elizabeth viewed James's requests as hypocritical - she had, on a number of occasions requested the return of various puritan exiles in Scotland and James, instead, had chosen to patronise them, Willson, *James VI and I*, 109. See also, *CSP Scot*, xi, nos 5, 50, 55, 59; HMC, *Marquis of Salisbury*, iv, 296. For James's complaints, see also *CSP Scot*, xi, nos 7, 8, 11, 55, 59, 60, 81, 87, 90; SRO, GD1/371/3; Akrigg (ed.), *Letters of James VI and I*, 119-21. Early in 1593, the king was also dissatisfied that he had not received any annuity from Elizabeth for some time.

<sup>175</sup> *CSP Scot*, xi, nos 26, 41, 42, 48; Spottiswoode, ii, 430-2. Lord Burgh, an official ambassador, was sent to Edinburgh with the intention to achieve, among other things, Bothwell's rehabilitation. Burgh found that James still 'complained much' concerning the earl and believed that Bothwell was in correspondence with other rebels endangering the king, *CSP Scot*, xi, no 48. See also, *ibid.*, no 54; Cameron (ed.), *Warrender Papers*, ii, 190-1. Despite this, Elizabeth continued to solicit for Bothwell's restoration, *CSP Dom*, xii, 344.

<sup>176</sup> *CSP Scot*, xi, nos 5, 18, 24, 45; *CSP Dom*, xii, 344. James was always aware of Bothwell's movements, and Bowes and other members of the Scottish administration had informants within this company, *CSP Scot*, x, no 721; xi, no 54; Moysie, *Memoirs*, 101; Steuart (ed.), *Memoirs of Melville of Halhill*, 365; *Historie*, 315; Donaldson, *James V to James VII*, 190.

him'.<sup>177</sup> James's response was to insist that the earl remained as much of a threat as the catholic sympathising nobility and, in April, he committed two companies of fifty horsemen to attempt to surprise the earl;<sup>178</sup> he asked the general assembly to provide that 'all the presbyterie of the country...may...keep him informed of what they can learn not only of the practices of the papists and Spanish factioners but also of the receipts and practices of Bothwell';<sup>179</sup> and, on 1 May, a band was signed against Bothwell by James and leading members of the nobility.<sup>180</sup> Although friendly relations with Elizabeth were resumed, support for Bothwell remained strong to the extent that, in May 1593, James still was able to get into a 'warm passion' concerning Bothwell.<sup>181</sup>

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With the continuation of royal persecution, rumours of set-piece actions got more bizarre - prior to the parliament in July which forfeited Bothwell, it had been suspected that the earl might don a false beard and throw himself at the feet of the king.<sup>182</sup> James took the rumour seriously, mustered Edinburgh and James ordered the captain of the guard, lord Home, to

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<sup>177</sup> *CSP Scot*, xi, no 31 enc.. Bothwell attached the document to various prominent sites in Edinburgh (including the market cross) on 17 February - the day James left to march north against the confederate lords, Calderwood, v, 231. For text, see *Appendix 13*.

<sup>178</sup> *CSP Scot*, xi, no 55.

<sup>179</sup> *ibid.*, no 55 enc.; Calderwood, v, 242; BUK, 805; Laing, D (ed.), *The History of the Kirk of Scotland, from the Year 1558 to August 1637*, by John Row, minister of Carnock (Wodrow Society, 1842), 152.

<sup>180</sup> *CSP Scot*, xi, no 59. The king declared before a convention that until action was taken against the earl, he would not proceed against the papists.

<sup>181</sup> *CSP Scot*, xi, no 59; *CSP Dom*, iii, 360. In June, James sent an embassy under sir Robert Melville to Elizabeth to collect his overdue annuity and request the earl's return from England, HMC, *de L'Isle and Dudley*, ii, 136, 140; Calderwood, v, 252-3. Elizabeth denied all knowledge of the earl's situation but did issue a declaration forbidding the reset of Bothwell in the borders, *CSP Scot*, xi, no 70, 81; Fraser (ed.), *The Melvilles*, i, 116. Despite this proclamation, in July 1593, James was complaining that not only was the earl still welcome in England but also that he had received quantities of gold there, *CSP Scot*, xi, no 87.

<sup>182</sup> *Historie*, 269, Birrel, *Diary*, 30; Calderwood, v, 255.



shoot Bothwell even if he was on his knees in abject supplication.<sup>183</sup> Three days after Bothwell's forfeiture in parliament, on 24 July, the duke of Lennox, the earls of Atholl and Mar, lord Spynie and other Stewarts conspired to allow Bothwell to enter the private apartments of James VI at Holyrood and submit on his knees before the king. Bothwell promised to stand trial for treason by witchcraft and offered the king his own sword and encouraged the monarch to strike off his head, if that would satisfy him.<sup>184</sup> James accepted the earl's submission.<sup>185</sup> The traditional view of Bothwell's return to court is clouded by hindsight and a deterministic interpretation of the earl's motives: Donaldson considered that Bothwell broke into the king's chambers 'with no apparent aim than to demonstrate the king's lack of power';<sup>186</sup> Akrigg has characterised the events as 'one of those bizarre, complicated and mysterious episodes';<sup>187</sup> and Goodare has commented that 'Bothwell's impotence with the king in his hands is striking'.<sup>188</sup> All such comments would appear to be missing the point - Bothwell did not seek personal control or domination of the king, he was merely seeking a pardon and a recovery to his previous level of influence within a balanced court. There was no need to demonstrate the king's lack of power - the actions of the previous two years had been ample illustration of such. Bothwell, who still greatly respected his monarch, felt that James was controlled by the wishes of a small group of counsellors and required re-directing away from

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<sup>183</sup> *CSP Scot*, xi, no 94; Cowan, 'Darker Vision', 133. It was also reported that the laird of Cluny Crichton had considered a plot to capture the king and take him to Bothwell from a hunt, Calderwood, v, 250. It was rumoured James was going to use these forces to march to Newcastle and burn all the houses of Northumberland which had provided reset for Bothwell.

<sup>184</sup> *CSP Scot*, xi, no 101; *CBP*, i, nos 852, 865, 866, 867, 868, 871, 872, 873, 877; *CSP Dom*, iii, 368; Calderwood, v, 256-7, 365; Spottiswoode, ii, 433-4; Moysie, *Memoirs*, 102-3; Birrel, *Diary*, 30-1; Mackenzie (ed.), *Chronicle of the Kings of Scotland*, 147; Fraser (ed.), *The Melvilles*, i, 117, 158, 159; McElwee, *Wisest Fool*, 74; Bingham, *James VI of Scotland*, 133; Willson, *James VI and I*, 112-3; Bevan, *King James VI & I*, 52; Stafford, *James VI of Scotland*, 90-1. Ochiltree who was present, volunteered for the task if it was required. The lords had around 300 supporters to ensure their cause.

<sup>185</sup> *CSP Scot*, xi, no 98, 100, 101; *Historie*, 270-2. Bothwell was relaxed from the horn and a letter of protection subscribed by James, *CSP Scot*, xi, no 101a. In return, Bothwell and his supporters were to pay for the king's guard, *ibid.*, no 114.

<sup>186</sup> Donaldson, G, 'James VI and the vanishing frontiers', *The Scottish Nation: a History of the Scots from Independence to Union*, ed. G Donaldson (London, 1972), 109.

<sup>187</sup> Akrigg (ed.), *Letters of James VI and I*, 121. Bothwell's wife and other of the earl's supporters had, likewise, reconciled to the king, *CSP Scot*, xi, no 125.

the dominant Maitland/Home faction. In reality, Bothwell, with a recognition of the need for widespread reconciliation amongst the political elite, was actually seeking to bolster the king's power but ground it in positive, protestant values.<sup>189</sup>

James did not find the method of Bothwell's submission odd and was more happy with the earl than he was with those who had brought him into the royal company. As with the first Holyrood raid, James no longer knew which members of the upper nobility (and his Stewart relations) he could trust.<sup>190</sup> On his recovery of influence, Bothwell made four promises to the king: he would remain away from court until his attendance was requested (almost immediately, he returned to England); he would submit to trial for witchcraft; he would insist that no person then at court should be dismissed (sir John Carmichael had already been committed to ward); and he would enter exile after the trial, if so required.<sup>191</sup> The people of Edinburgh and the ministry showed 'great joy' when Bothwell was restored.<sup>192</sup> He was 'generally liked and well spoken of by all sorts' and the more Bothwell was liked, the more the king's administration was disliked by the general populace.<sup>193</sup> At court, however, the situation remained uncertain - Morton, the northern earls, and the master of Glamis were openly discontented; Mar was annoyed that he had not been made aware of the whole plan; and the Hamiltons (who were broadly favourable to Bothwell) were considered to be likely to change sides if it suited them.<sup>194</sup>

With the earl back in favour, attempts were made to strengthen the party around him. Bothwell wrote to Elizabeth, Burghley, and Henry Locke thanking them for their assistance

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<sup>188</sup> Goodare, *Parliament and Society in Scotland*, 12. See also Donaldson, 'Vanishing frontiers', 108.

<sup>189</sup> *CSP Scot*, xi, nos 98, 100.

<sup>190</sup> *ibid.*, nos 103, 114; *Historie*, 276-8. Akrigg has argued that Bothwell's actions were 'a bit beyond the terrified king', Akrigg, G P V, *Jacobean Pageant* (London, 1962), 10.

<sup>191</sup> *CSP Scot*, xi, no 103; Spottiswoode, ii, 434.

<sup>192</sup> *CSP Scot*, xi, nos 101, 114.

<sup>193</sup> *ibid.*, no 125.

<sup>194</sup> *ibid.*, no 114. In July 1593, James wrote to John Hamilton and explained the events of the previous weeks. While he noted it was his 'princely humanity' which allowed him to accept the submission, he noted that 'presently, there is no force here but mine'. James was already seeking to build a coalition, HMC, *Eleventh Report*, app. vi, 66.



and he personally visited the border to contact other patrons, such as Toby Mathew, dean of Durham.<sup>195</sup> In Scotland, the earl made approaches to the earl of Mar and the lords Home and Maxwell in order to draw them into association with the reconstituted Stewart faction.<sup>196</sup> The recovery of favour soon displayed demonstrable results: on 10 August, after a nine hour trial, Bothwell was acquitted of treason by witchcraft and his outlawry was annulled.<sup>197</sup>

While James must have been comfortable concerning the outcome of the trial, and accepted banquets, geldings and hunting hounds from the earl, he was less comfortable with other aspects of Bothwell's demeanour.<sup>198</sup> The earl persisted in being unhappy concerning the fact that James would not revenge Moray's death;<sup>199</sup> Bothwell (or his friends) sought his promotion to the lieutenancy of the south (with power to appoint all border officials);<sup>200</sup> and James was also unhappy that those around Bothwell had removed five of the king's servants from him – in spite of their earlier promises.<sup>201</sup>

During the period of Bothwell's temporary restoration to influence, James began constructing an opposite party covertly - the king was relying on the support of his officers of state and a small band of loyalists, principally Mar and the master of Glamis.<sup>202</sup> Bothwell's

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<sup>195</sup> *CSP Scot*, xi, nos 105, 106, 107, 287; *CBP*, i, nos 874, 877. Elizabeth did not know whether to be satisfied at the news or be indignant at the method of entry and lack of consideration for her views, *CSP Scot*, xi, nos 113, 119, 120, 121; Harrison, G B (ed.), *The Letters of Queen Elizabeth I*, (London, 1968), 225-8.

<sup>196</sup> *CSP Scot*, xi, no 110.

<sup>197</sup> *ibid.*, nos 111, 112, 113; *CBP*, i, nos 878, 879, 880, 881, 882; ii, no 878; Moysie, *Memoirs*, 103; Calderwood, v, 258; Spottiswoode, ii, 435; Mackenzie (ed.), *Chronicle of the Kings of Scotland*, 147; McElwee, *Wisest Fool*, 74. There was little evidence against the earl - Richard Graham's confession was all the crown had against Bothwell and he was dead, *CSP Scot*, xi, no 110. The assize comprised Atholl, Montrose, Seton, Livingston, Forbes, Innermeath, Sinclair, the masters of Gray and Somerville, the lairds of Bass, Roslin, Buchanan of that ilk, Ferniehurst, Polmais, Reidhall, Innerleith and Caldwell, *CSP Scot*, xi, no 111 enc.. For their previous affiliations, see *Appendices 8 and 11*.

<sup>198</sup> *CSP Scot*, xi, nos 113, 124.

<sup>199</sup> *ibid.*, no 143; Fraser (ed.), *The Melvilles*, i, 117. This attitude was causing disharmony among some of the other Stewarts.

<sup>200</sup> *CSP Scot*, xi, no 113. Atholl was to be lieutenant in the north to pursue Huntly. The king denied both men the offices until Bothwell was fully restored in parliament (to be held on 20 November). Bothwell did offer to do redress for Liddesdale, *CBP*, i, no 887.

<sup>201</sup> *CSP Scot*, xi, no 113; Fraser (ed.), *The Melvilles*, i, 117.

<sup>202</sup> *CSP Scot*, xi, nos 114, 115, 123. When James approached Lennox to remove the Bothwell supporters from court, the duke responded that he could not as the earl would not like it.

attitude to his friends did not help his case and, of those lords who had assisted Bothwell, Spynie was the first to ask <sup>to be received</sup> back into the king's favour.<sup>203</sup> Despite appearances (and later claims), Bothwell's influence during the late summer of 1593 was extremely restricted - he was not even fully restored as Lennox retained his lands and offices.<sup>204</sup>

On 10 September, a convention at Stirling decreed that if Bothwell would submit to the king's mercy, then he could have full remission for himself and any person he would name and, thereafter, he could withdraw overseas until the king recalled him. Had such terms been on offer in June 1591, the whole of James's Scottish reign may have turned out differently. In September 1593, however, the terms were not enough to satisfy the changed needs of the earl: Bothwell would not comply with the convention's demands as it left any unnamed colleagues open to the law and it went back on a previous agreement between the king and the earl (while the convention wanted a named remission, Bothwell wanted a non-specific remission for all his associates, as James previously had granted to lord Maxwell).<sup>205</sup> Despite attempts at moderation, the two sides seemed irreconcilable due, it was claimed to the influence of the anti-Bothwell faction around the king.<sup>206</sup> While James was willing to compromise on some of the articles, for example the amount of caution required and the proposed length of exile, he was not willing to grant a general remission and proposed to pursue Bothwell without delay.<sup>207</sup> Faced with a resumption of hostilities and all that implied, Bothwell hastily accepted the terms and asked for the delivery of some of his lands to comply with the order for caution.<sup>208</sup> With settlement of the whole Bothwell problem imminent, lord Home (then high in favour at court),

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<sup>203</sup> *CSP Scot*, xi, no 123.

<sup>204</sup> *ibid.*, no 153. Bothwell was again seen as the champion of the anti-catholic cause, *ibid.*, no 123.

<sup>205</sup> *CSP Scot*, xi, no 129; *CBP*, i, nos 888, 889.

<sup>206</sup> *CSP Scot*, xi, nos 129, 130, 133, 133 enc.; Moysie, *Memoirs*, 104; Calderwood, v, 260; Spottiswoode, ii, 436. At one point in the negotiations, Bothwell was informed that sir George Home and sixty horse lay in wait to ambush him. James considered this an excuse.

<sup>207</sup> *CSP Scot*, xi, no 134.

<sup>208</sup> *ibid.*, no 134. A blank obligation to depart out of the realm was prepared for which he offered the names and bonds of 'ten or eleven noblemen and barons' for his caution, *ibid.*, nos 141., 254.



refused to restore Coldingham to the earl and asked the king to put the issue to legal dispute.<sup>209</sup>

While James considered the matter, Bothwell grew wary of the opposition at court and withdrew to Crichton.<sup>210</sup> The chance for agreement had been lost.

By 15 September, Bowes was reporting of 'dangerous and variable proceedings of the king and his government'.<sup>211</sup> On that day, before departing to hunt in Fife, the king declined to dine at a banquet prepared for him by Bothwell.<sup>212</sup> In spite of all his promises, James chose mid September to recall to court the master of Glamis, John Maitland, and sir George Home. Bolstered by his allies, lord Home became more vociferous in his opposition to Bothwell, and the earl became aware that he was again about to lose favour.<sup>213</sup> While the court remained at Falkland, there was a short 'stand-off period', however, by the end of the month, the situation had become so grave that Bothwell proposed to withdraw to the borders in preparation, it was rumoured, for another enterprise.<sup>214</sup>

By early October, James was consolidating his position at the centre. The king proposed Alexander Home, the gudeman of North Berwick, as provost of Edinburgh. and also sued the presbytery of Edinburgh to defer the excommunication of lord Home so that he could remain at court in control of the king's guard. Away from court, James also was trying to reconcile some of the lords who favoured Bothwell, such as Atholl, to others whom he placed more faith

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<sup>209</sup> *CSP Scot*, xi, nos 123, 124; Meikle, *Lairds and Gentlemen*, 672-3.

<sup>210</sup> *CSP Scot*, xi, no 134.

<sup>211</sup> *ibid.*, no 132. Bowes and Elizabeth were willing to assist Bothwell in using 'doulcenes' in their petitions to the king to stay his exile. During his period of reconciliation, Bothwell still professed his devotion to Elizabeth, *ibid.*, no 141.

<sup>212</sup> *CSP Scot*, xi, no 133.

<sup>213</sup> *ibid.*, no 130; *Historie*, 293-4; Moysie, *Memoirs*, 104; Spottiswoode, ii, 436; Cowan, 'Darker Vision', 135. Some members of the Home kindred feared Bothwell would use his enhanced position to persecute a feud against them, Meikle, *Lairds and Gentlemen*, 672.

<sup>214</sup> *CSP Scot*, xi, no 136. On 19 September, James wrote to Elizabeth stating that he would not move against either the catholic lords or Bothwell, Akrigg (ed.), *Letters of James VI and I*, 123-6. On 20 September, James charged Bothwell not to come within ten miles of court, Birrel, *Diary*, 31. Bothwell retired to Crichton, Jedburgh and then Kelso (which he controlled to the extent that Robert Ker, younger of Cesford, and lord Home could not reside there), *CSP Scot*, xi, nos 143, 148.

in.<sup>215</sup> In Liddesdale, Robert Ker, younger of Cesford, was nominated as depute<sup>keeper.</sup> He was one of the strongest opponents of Francis Stewart and his appointment not only bolstered the king's influence in that area, but also threatened the very heart of Bothwell's support.<sup>216</sup> With all the changes, Bothwell was warned, secretly, to beware of his life.<sup>217</sup> When the earl went to the capital to investigate a rumour that James was gathering forces to besiege Crichton Castle, one of his servants, Patrick Abercromby, was shot.<sup>218</sup> Bothwell sent Robert Hepburn to James to ask for protection until the end of the next parliament or permission to reside in England - James refused both.<sup>219</sup> By mid-October, Bowes found James 'so resolute against Bothwell that it was fruitless to proceed in any matter for him'.<sup>220</sup> The king had, again, planned to embark on the 'utter ruin of Bothwell'.<sup>221</sup> James returned to a policy of military 'daunting'. The king spent nearly three weeks in the borders pursuing justice, much of which was required due to the perceived failings of Bothwell (Bowes was aware that it was members of the king's council who were really responsible).<sup>222</sup> The English ambassador still felt that James, personally, wanted to assist Bothwell (if he went into exile) but he was hampered by bad counsel with the result that he would not listen to any suit for the earl.<sup>223</sup>

The parliament due for 20 November (at which Bothwell had hoped to be fully restored) was not held. Instead, at the convention held in its place, James discharged himself of any promises he had made in the previous months (by himself or at the Stirling convention) as he had been

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<sup>215</sup> *CSP Scot*, xi, no 142. James was upset that the ministers saw Bothwell as 'their patron' (which they denied), *ibid.*, no 148.

<sup>216</sup> *ibid.*, no 157.

<sup>217</sup> *ibid.*, no 142.

<sup>218</sup> *CSP Scot*, xi, no 143. Instead, James launched a raid on Atholl and his associates, who sought Bothwell's assistance. Although James was reportedly going to follow up with a raid on Bothwell, the earl went to Perth, not only to meet with Atholl, but also to meet with Lennox and others of the faction, *ibid.*, nos 147, 148.

<sup>219</sup> *CSP Scot*, xi, no 143.

<sup>220</sup> *ibid.*, no 154.

<sup>221</sup> *ibid.*, no 167a; Moysie, *Memoirs*, 105. Bothwell was being pursued, even though he was not yet at the horn, *CSP Scot*, xi, no 167.

<sup>222</sup> *ibid.*, no 170; *CBP*, i, no 905.

<sup>223</sup> *CSP Scot*, xi, nos 170, 174. Anna questioned the king's honour in these matters but James was unconcerned, *ibid.*, no 177.



'in Bothwell's hands against his will'.<sup>224</sup> James renewed the £104,000 bill with England for the Falkland raid (which had been going to be discharged) and demanded Bothwell unconditionally withdraw from the realm within fifteen days. The rumours of October had hardened into political reality in November and it was considered that Bothwell could never recover from the slight.<sup>225</sup> Bothwell's supporters were rounded up and other sympathisers were to be bound over for sums of money (which would still pay for the king's guard).<sup>226</sup> The November legislation encompassed over fifty supporters of the earl and it was hoped that it would raise over £20,000.<sup>227</sup> Combined with the act of absolution offered to the papist lords, it gave James a broader base of support than he had enjoyed for any time since 1590.<sup>228</sup>

On 11 December, Bothwell fought single combat with Robert Ker, younger of Cesford, for two hours.<sup>229</sup> Despite an inconclusive result, it could be considered that the earl had already lost his battle – the same day as the combat, Francis Stewart was again put to the horn.<sup>230</sup> Bothwell had retired to the borders and had resumed his, by now, well-worn methods of seeking restitution: he petitioned at the Scottish and English courts through his friends and the

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<sup>224</sup> *CSP Scot*, xi, no 177.

<sup>225</sup> *ibid.*, no 177.

<sup>226</sup> *ibid.*, no 177; Moysie, *Memoirs*, 109. Some of the supporters, including John Russell (a burgess and advocate in Edinburgh) and Robert Stewart (the sheriff-clerk of Edinburghshire) were charged significant sums of money for their release (£1,200 and £600 respectively).

<sup>227</sup> *CSP Scot*, xi, no 178.

<sup>228</sup> *APS*, iv, 46-8; *RPC*, v, 108-9; *CSP Scot*, xi, no 177; Birrel, *Diary*, 31. It could be argued that, as Anna reached her full term, James was making a conscious effort to ostracise the earl from the rest of the mainstream nobility who were about to become re-convinced as to the heritage represented and stability offered by the Stewart dynasty.

<sup>229</sup> *CSP Scot*, xi, no 186; Birrel, *Diary*, 31; Moysie, *Memoirs*, 110; Brown, *Bloodfeud*, 25. The borders were far from settled: on 7 December, lord Maxwell was killed by his long-term adversary, the laird of Johnston, Spottiswoode, ii, 446-7; Birrel, *Diary*, 31; Moysie, *Memoirs*, 110. For further details, see Brown, 'Dryfesdale Sands', *passim*. Johnston had been in Bothwell's camp since May 1591 (his mother was also kin with the Scotts of Buccleuch) and hoped that the restoration of the earl would herald a change in his favour on the border. He had assisted Bothwell with troops during the Falkland raid and had suffered reprisals for that gesture. Johnston must have been aware that the situation for the battle of Dryfesdale Sands was part of the Bothwell earldom (which, probably, still supplied some of the 'Annandale' troops for the earl) and, as such, he was invoking against Maxwell not only the influence of the earl but also that of his step-son Buccleuch (who then held the land), see *Appendices 4* and *8*.

<sup>230</sup> Birrel, *Diary*, 31; Moysie, *Memoirs*, 109-10.



kirk.<sup>231</sup> Elizabeth again began petitioning for him - noting his previous submission had been 'so ample and full of fidelity', she pointed out 'that whatsoever his offence has been, he can make no larger satisfaction to the king, who naturally desires nothing from his subjects but reverence and fidelity'.<sup>232</sup> Some efforts were made to rebuild a pro-Bothwell party: those who favoured Bothwell still held a significant place within the factionalism of the Scottish court and were solicited by both sides.<sup>233</sup> Satirical verses were published in favour of Bothwell's cause, professing before the massed nobility of the realm his faults and craving forgiveness.<sup>234</sup>

By the early months of 1594, however, rumours concerning Bothwell's Spanish credentials again began to surface. James consistently complained that the earl operated in Spanish interests, and even Bowes suspected that the earl was in their pay and was ready to meet a force of invading Spanish troops on the Isle of May.<sup>235</sup> It has been argued that, as these rumours circulated, Elizabeth encouraged Bothwell to join the confederate, northern lords in order that James would have to crush all his rebels at the one time (accomplishing Elizabeth's primary goal of combating the northern lords).<sup>236</sup> Whatever the background motivation for

<sup>231</sup> *CSP Scot*, xi, no 178; *CBP*, i, nos 910, 911, 933, 934. He continued to travel in his lands such as Haddington and Kelso while his countess resided at Moss Tower, *CSP Scot*, xi, nos 234, 237, 398.

<sup>232</sup> *ibid.*, no 183. The queen steadfastly maintained that if Bothwell was being reset in England, it was without her permission and any who had reset him had been punished, *ibid.*, nos 202, 229, 234. James did not necessarily believe the denials, *ibid.*, nos 233, 236. Akrigg believes that Elizabeth was considering a new Ruthven Raid with Bothwell as the principal instrument, Akrigg (ed.), *Letters of James VI and I*, 127.

<sup>233</sup> *CSP Scot*, xi, no 206. Some worked to reconcile Home and Bothwell on the condition that Bothwell surrendered to Home the lands of Coldingham and Spott, *CSP Scot*, xi, no 174.

<sup>234</sup> *CSP Scot*, xi, no 222a. Such verses were not all anonymous: Montgomery's poem, *Rob Stene's Dream*, portrays a cunning fox (Maitland) attempting to persuade the king of the sheep (James) to cast off his natural guardians, the dogs (the nobility) of whom Bothwell was 'the grewhound quhome thou maist estemid', Motherwell, W (ed.), *Rob Stene's Dream, a Poem* (Maitland Club, 1836), 12-13; Lee, *Maitland*, 225. William Fowler, Anna's secretary and long-term recipient of Bothwell's patronage, wrote 'Defensis of Bothuel in natur of Fables', which, unfortunately, is no longer extant, Meikle, et al (edd.), *Works of William Fowler*, iii, p. xxiv.

<sup>235</sup> *CSP Scot*, x, no 517; Mares, F H (ed.), *Memoirs of Robert Carey* (Oxford, 1972), 30. Bothwell had, reportedly, purchased the island. The evidence for the English claims of Spanish involvement, other than paranoia is uncertain, *CSP Scot*, xi, no 202. See also *ibid.*, nos 223, 224, 226, 229. Bowes had often written for advice concerning Bothwell but never received a reply from Burghley. Bowes interpreted this to mean he should not meddle in such matters, *ibid.*, no 277. Burghley had said, as early as May 1593, 'I find the matter as in a labyrinth, easier to enter into it than to get out', HMC, *Marquis of Salisbury*, iv, 319.

<sup>236</sup> Gordon (ed.), *The Records of Aboyne*, 519-20.



Bothwell's change of direction, the situation was becoming more acute for James in other terms as well, principally because he could not afford to wait long to resolve his political difficulties. By 1594, all of the £100,000 received from Anna as her dowry had been expended. While a proportion had been spent on jewels and debts and more was to provide for the baptism of Anna's first child, another sizeable proportion had been spent on 'tending to repress the rebellion of Frances, sumtime Erll Bothuill'.<sup>237</sup>

In February, Anna gave birth to a son, Henry Frederick. This heightened the political game - all sides were aware of the resonances of 1566-7 and sought to play on them: the catholic lords refused to enter ward at James's request and maintained that were they to do so, they would be in danger should Bothwell seize control of government.<sup>238</sup> The privy council moved James to give Bothwell what he wanted so he could go overseas and the earl of Mar employed an agent to ensure the earl accepted the offer (on the acceptable terms from 1593). For all his failures, the council still saw Bothwell as the most likely threat to dynastic stability.<sup>239</sup> The earl, however, despite assurances, did not trust the offers and sought his comfort and support from the kirk.<sup>240</sup> James redoubled his attempts to draw favourers of Bothwell from him and, in March 1594, succeeded in detaching the laird of Johnston (the last major land-holder supporting the earl in the south).<sup>241</sup> On 29 March 1594, James expressed his determination to pursue both Bothwell and the papist lords and asked the presbytery of Edinburgh to assist him.<sup>242</sup>

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<sup>237</sup> *CSP Scot*, xi, no 255; *RPC*, v, 140; Montgomerie, A, 'King James's tocher gude and a local authorities loan of 1590' *SHR*, xxxvii (1958), 15-16.

<sup>238</sup> *CSP Scot*, xi, no 226. One of the stipulated aims of the later raid of Leith was to cross the forth and engage Huntly to the death, Moysie, *Memoirs*, 113.

<sup>239</sup> *CSP Scot*, xi, no 226.

<sup>240</sup> *ibid.*, no 226.

<sup>241</sup> *CSP Scot*, xi, no 226; Moysie, *Memoirs*, 114; Lee, *Maitland*, 280. Bothwell had been expecting assistance from Johnston (similar to the Falkland raid), however, after James granted the laird remission for his killing of Maxwell, Johnston failed to rise.

<sup>242</sup> *CSP Scot*, xi, no 235; Calderwood, v, 294. The ministers were less than helpful and suggested to James that the need to proceed against the papist lords was greater than against Bothwell. They also said that, although they would not assist Bothwell in any action to the detriment of the king or the

On 1 April 1594, lord Home (supported by Buccleuch and Robert Ker, younger of Cesford) with 1,200 troops mustered at Kelso to carry out a commission against Bothwell.<sup>243</sup> The earl, who had been riding abroad with only fifty Scotsmen and a few Englishmen, skirted Kelso and rode on to Moss Tower where he had 500 men waiting.<sup>244</sup> Home dissolved his troops whereupon Bothwell declared that he would ride north, meet troops under Ochiltree from the west and troops from elsewhere at Stirling.<sup>245</sup> By the next day Bothwell was at Dalkeith where he met with Ochiltree and Alexander Hamilton and a further 150 troops. Expecting their colleagues from the north to join them the next day, they set out for the old fortifications of Leith - but not before they had spent some time saying public prayers in the collegiate church of Dalkeith.<sup>246</sup> Lacking supporting foot, Bothwell's 600 could have moved quickly, but news reached them that James had mustered forces and was coming to besiege them. On 3 April, James, lord Home, the lairds of Carmichael and Wemyss, Alexander Home, provost of Edinburgh, over 500 horse, 200 infantry and 1,000 foot marched out of Edinburgh to raise battle (they were later joined by a further 400 under the master of Glamis).<sup>247</sup> The royal forces were assisted by three mobile cannons as well as the heavy artillery from Edinburgh Castle.

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state, if Bothwell remained free of such, they would not act unless the king could prove that the earl had broken his side of the agreement.

<sup>243</sup> *CSP Scot*, xi, nos 234a, 237; Calderwood, v, 295.

<sup>244</sup> *CSP Scot*, xi, no 237. Lee has suggested that, by April 1594, as Bothwell had no money to pay mercenaries, he was depending solely on loyalty to raise his forces (and that even this was exhausted), Lee, *Maitland*, 274. In reality, Bothwell had proclaimed in English parish churches for money for his cause (close to the English castles he frequented at West Newton, Tynemouth, Norham, Hexham, Edenhall, Twisel, Cornhill, Brackenhill, Bewcastle and Wark), *CSP Scot*, xi, nos 229, 248, 264, 275; *CBP*, i, no 804; HMC, *Marquis of Salisbury*, iv, 629; xiii, 401; HMC, *de L'Isle and Dudley*, iv, 192. Elizabeth again denied all knowledge, *CSP Scot*, xi, no 264.

<sup>245</sup> *CSP Scot*, xi, no 237. The lords to be met at Stirling were reported to be Atholl, Gowrie, Montrose, Moray, Spynie, Forbes and Innermeath.

<sup>246</sup> Bothwell and Atholl, in their own names, and representing others, had previously written to ministers convening at Dunbar 'beholding the deplorable estate of this realm and the danger that religion, his Majesty's honour and person and the amity betwixt the two crowns are cast into', *CSP Scot*, xi, no 258.

<sup>247</sup> *CBP*, i, nos 939, 940, 941; HMC, *Marquis of Salisbury*, xiii, 507; *Historie*, 303-6; Mackenzie (ed.), *Chronicle of the Kings of Scotland*, 149-50; Willson, *James VI and I*, 114; Bingham, *James VI of Scotland*, 133; Bevan, *King James VI & I*, 53. This confrontation is normally referred to as 'The raid of Leith'. A further 1,000 infantry - the mustered people of Edinburgh - were only persuaded to accompany the party because of the king's presence.



Bothwell's forces initially withdrew but, at Niddry, midway between Edinburgh and Dalkeith, they decided upon an attack on Home's vanguard forces in order to consolidate their position and their numbers. Before attacking, they sank to their knees and again invoked the assistance of God and the church in the forthcoming battle (they also asked for the understanding from Elizabeth). Their attack was furious and Home's forces - a significant proportion of which did not want to fight - fled for the safety of Edinburgh. Bothwell's troops did not press home their advantage for a variety of reasons: firstly, because of the king's presence (Bothwell was adamant he would not enter combat with his monarch); secondly, because the earl commanded his troops to spare the blood of the men who did not want to fight; and, thirdly, because the earl dislocated his shoulder falling from his horse. Reportedly, twelve of Home's men were slain compared to none of Bothwell's. The earl retired to Dalkeith and issued a challenge to Home (through his cornet, or trumpeter, who had been captured). Lacking the support from the north, the earl retired to Kelso and then northern England.<sup>248</sup> Colville felt that the earl's forces had acted with propriety- they could not have done more without endangering James - and had gained credit.<sup>249</sup> This was unlike the king, himself, who, 'came ryding in to Edinburgh at the full gallop, with little honour'.<sup>250</sup>

James was not perturbed by the earl's continuing popularity and his own lack of popular favour and proposed either to follow Bothwell south or to secure Leith. In both cases, the king could not get any people to assist him.<sup>251</sup> James reverted to his trusted methods of restricting the earl's support: the day after the raid, James again offered promises for his conduct in St Giles and entered negotiations with the ministry of Edinburgh to confirm their loyalty;<sup>252</sup>

<sup>248</sup> *CSP Scot*, xi, no 238; Moysie, *Memoirs*, 114-8; Spottiswoode, ii, 448-9; McElwee, *Wisest Fool*, 74.

<sup>249</sup> *CSP Scot*, xi, nos 241, 323; *LJC*, 259.

<sup>250</sup> Calderwood, v, 297. McElwee and Lee, for some reason, both consider the events a triumph for James, McElwee, *Wisest Fool*, 74-5; Lee, *Maitland*, 274.

<sup>251</sup> *CSP Scot*, xi, no 245.

<sup>252</sup> *ibid.*, no 245; Calderwood, v, 307; Spottiswoode, ii, 448; Willson, *James VI and I*, 114; Lee, 'Archbishop Spottiswoode', 146. The kirk gave out an act to be preached in every parish against

James granted favour to his own supporters and attempted to draw support away from the earl (on 11 April, personally led a raid to Fife in an attempt to secure some of them);<sup>253</sup> and the king also sent envoys to Elizabeth to demand she deliver up the earl.<sup>254</sup> However, unlike previous occasions, when it came to holding a parliament in May 1594, the king stopped short of new action and simply re-imposed a sentence of forfeiture on the earl. James recognised that any greater action would bring in many of the earl's friends (to prevent or postpone it) and thus reconstitute a corporeal faction in favour of the earl at the heart of government.<sup>255</sup>

With hindsight, it is easy to see the failure of the raid of Leith as sounding the death knell for Bothwell's political influence. In the spring and early summer of 1594, James consolidated his position and, despite a residue of support at court, the earl was helpless to prevent the further break-up of his estates and associations. Francis Stewart retreated to Liddesdale and the north of England and recommenced his slow slide into poverty and despair.<sup>256</sup> Colville advised the

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Bothwell, *CSP Scot*, xi, no 272; Rymer (ed.), *Fœdera*, xvi, 244, 247; Calderwood, v, 324-5; Spottiswoode, ii, 454; MacDonald, *Ecclesiastical Politics*, 107-8. At the end of the month, John Ross, minister of Perth, was warded and tried for supporting Bothwell and preaching that James was a traitor before God, Calderwood, v, 299-306; Lee, *Maitland*, 276. James suspected Bothwell was receiving money from the kirk, particularly Andrew and James Melville, *CSP Scot*, xi, nos 243, 245. For response, see *ibid.*, nos 251, 252, 253, 257; Cameron (ed.), *Warrender Papers*, ii, 228; Harrison (ed.), *Letters of Queen Elizabeth*, 229-30.

<sup>253</sup> *CSP Scot*, xi, no 245, 257, 268; Fraser (ed.), *The Melvilles*, i, 119. See also, *CSP Scot*, xi, nos 266 enc., 272; Calderwood, v, 318-20; *BUK*, 840-1. A number of associates of Bothwell in Edinburgh and Leith fled or were bound over or imprisoned *ibid.*, no 282. James, rightly, believed that the Liddesdale families still assisted Bothwell and would not do anything without the earl's consent, *ibid.*, nos 282, 307; *LJC*, 111.

<sup>254</sup> *CSP Scot*, xi, nos 245, 248, 260, 264; Cameron (ed.), *Warrender Papers*, ii, 228-32. James also dispatched the Bothwell favouring lord Zouche back to Elizabeth with letters. English wardens again pronounced against the earl, HMC, *Tenth Report*, app. iv, 306.

<sup>255</sup> *CSP Scot*, xi, no 268, 271, 275. James's greatest fear was that Bothwell would carry out a further raid, not this time against the king, but instead against the earl of Huntly. James knew this would force his hand. It was widely suspected that were such a situation to arise, James would ally himself with Huntly against Bothwell and expose the hypocrisy of his position, *ibid.*, no 255; *CBP*, i, no 946; *Historie*, 314.

<sup>256</sup> *CSP Scot*, xi, no 275, 287, 294. In June 1594, two thieves 'stole' some of queen Anna's jewels. Bothwell, fortuitously, captured the thieves at Shields in England and was allowed to retain them by the authorities as he promised he would send them back to Scotland in an attempt to make his peace with the king. Bothwell even considered selling his wife's dower back to Buccleuch, *ibid.*, no 313. Later in the year, Bothwell lost tacit support at court - Lennox resigned the earldom of Bothwell - placed in the hands of less favourable men, such as Ker of Cesford and Home, Fraser (ed.), *Buccleuch*, ii, 250-53.



earl to live quietly and events would turn round - there was some hope, even yet, that the earl could be reconciled to the king (or, at least, be permitted to go into exile).<sup>257</sup> For all his problems, the earl 'must not be lost [to the nobility] as he [was] the best enterpriser among them'.<sup>258</sup>

In June, Bothwell received a new approach from the catholic, northern lords (Huntly, Erroll and Angus).<sup>259</sup> In July, those lords reportedly received 30,000 crowns of Spanish money and confirmed their offer to Bothwell along with the promise of a significant sweetener of 25,000 crowns.<sup>260</sup> Bothwell considered the options and openly began to consider alternatives to Colville's advice (Colville *argued* against any alliance).<sup>261</sup> Bothwell's poverty was his driving motivation as all his other gestures had been rejected.<sup>262</sup> Despite this, Bothwell did not rush into a decision and asked for a month to consider more fully.<sup>263</sup> Bothwell used the month well and approached a variety of sources to see if they could match (or even come close) to the offer. He even dealt with George Heriot, the king's goldsmith, in an effort to pawn jewels and borrow money.<sup>264</sup> In one sense, Francis Stewart was operating as a political mercenary but, on

<sup>257</sup> *CSP Scot*, xi, nos 287, 288, 306, 318, 343.

<sup>258</sup> *ibid.*, nos 287; *LJC*, 105-6.

<sup>259</sup> *CSP Scot*, xi, no 277; *Historie*, 343-4.

<sup>260</sup> *CSP Scot*, xi, nos 293, 300, 311, 312, 331; Cowan, 'Darker Vision', 136. A later, intercepted, letter from Huntly showed that Bothwell had received only 800 crowns for forces through colonel Boyd. The earl was to have received 2,000 more, but Huntly charged him with failure to provide the intended troops, *CSP Scot*, xi, no 399.

<sup>261</sup> *CSP Scot*, xi, nos 277, 282, 287; HMC, *Marquis of Salisbury*, iv, 629; *LJC*, 105-6. In September 1594, Colville reconciled himself with the king - he was distraught - 'I have had no recompense but my brother and best friend hanged...my wife and children banished...myself in extreme necessity...wandering with the mark of my naughtiness on my forehead like Cain...detestable to my friends...and loathsome to myself', HMC, *Marquis of Salisbury*, iv, 629.

<sup>262</sup> Sometime in early 1594, Margaret Douglas must have given birth again. While there is no concrete proof, the possibility must remain that the birth was twin sons. These sons were called Henry and Frederick, mirroring the names of the young prince, *Scots Peerage*, ii, 172. While Henry survived into the reign of Charles I and held lands of his brother, John, as commendator of Coldingham, it would appear Frederick died early in life, Douglas, *Peerage*, i, 233.

<sup>263</sup> *CSP Scot*, xi, nos 293, 300, 311, 312, 331; Cowan, 'Darker Vision', 136

<sup>264</sup> SRO, GD421/1/3/58/1, GD421/1/3/59, GD421/1/3/60/2, GD421/1/3/61, GD421/2/34. The transactions possibly continued later, however, the majority of the receipts are undated. Some of the money was used to satisfy debts within the earl's family and the Edinburgh merchant community. The earl was still interested in show, however, and Heriot supplied him with counterfeit jewels in their place. Francis Stewart promised Heriot that he would be 'satisfiet at my backcuming', GD421/1/3/57, GD421/1/3/58/2.



another level, he was gauging his position within Jacobean Scotland. In July 1594, the earl was communicating with the kirk in order to gain advice;<sup>265</sup> and he was also communicating with Bowes and Robert Cecil to see if England had any particular views.<sup>266</sup>

On the due date for the decision, 20 August, Bothwell met with rebel lords in Angus and pronounced that he would accept their offer.<sup>267</sup> Still professing devotion to Elizabeth, Bothwell accepted an initial payment to raise men and prepared to take part in military action against the king (or his advisors).<sup>268</sup> The whole realm did not become immediately aware of the change in circumstances - they were caught up in the baptismal celebrations for prince Henry in late August and early September.<sup>269</sup>

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<sup>265</sup> Calderwood, v, 347.

<sup>266</sup> *CSP Scot*, xi, nos 294, 306, 311. Bothwell's agents were being actively courted in London, HMC, *de L'Isle and Dudley*, ii, 142. Locke gave Cecil the earl's three alternatives: firstly, Elizabeth could allow him to accept the 25,000 crowns without questioning his religion or devotion to her (this would have the benefit of keeping the money out of the hands of worse people); secondly, she could deal for him at the prince's baptism (until which point he would stay quietly in England or at 'his own house of Hermitage'; or, finally, the English queen could subsidise him and return the bonds he and others had given, *CSP Scot*, xi, no 313.

<sup>267</sup> *CSP Scot*, xi, nos 334, 360. He accepted the alliance on the prompting of James Douglas of Spott, captain James Hackerston and Thomas Cranston. It was against Colville's advice and to his dislike *CSP Scot*, xi, nos 346, 347, 360; *LJC*, 122-4. A day later, on 21 August, a messenger from Huntly, reportedly, met the king and offered that, should the northern earls be allowed to pass out of the realm unimpeded, Huntly would promise to surrender up Bothwell. James replied that Bothwell often had offered to give up Huntly to him, *CSP Scot*, xi, no 373. (On one occasion, Huntly's agents did get close to killing Bothwell but the earl was warned by the master of Caithness, his half-brother, Wernham, R B (ed.), *List and Analysis of State Papers, Foreign Series, Elizabeth I, preserved in the Public Record Office*, 6 vols (1964-93), vi, no 407; HMC, *Marquis of Salisbury*, iv, 600.

<sup>268</sup> *CSP Scot*, xi, nos 347, 350, 350 enc., 366. The idea was that Bothwell should fortify Hermitage and use his forces to draw James south (if he carried out his intended raid against the northern lords), *ibid.*, nos 347, 350, 353. The rhetoric used was again that of James III: any reformation of the state would take the form of Lauder Brig with sir George Home being the highest hung, *ibid.*, no 366.

<sup>269</sup> *CSP Scot*, xi, nos 339, 343; Moysie, *Memoirs*, 118. Lynch has persuasively argued for the need for a gesture of rapprochement as part of the festivities surrounding such a grand state occasion as the baptism. He considers it possible that James envisaged a reconciliation with the northern lords followed by a triumphal progress to the north of the kingdom to show the success of his policies and his domination of the catholic lords. If this were the case, Bothwell's attempt to associate with the northern lords may have been attempting to force James's hands in a much more subtle way than has previously been supposed, Lynch, 'A royal progress', (forthcoming).



By 8 September, however, James knew of Bothwell's meeting with the catholic lords and his ~~valle-face~~.<sup>270</sup> The king now intended to pursue vigorously all his rebels, and he wrote to Elizabeth noting that 'none can brook me and Bothwell both'. Yet again, he requested that the English queen take action against his rebel earl.<sup>271</sup> With Bothwell exposed as a mercenary, Elizabeth had no choice and declared for the king.<sup>272</sup> James fortified Edinburgh and Leith and Bothwell lost significant support there as well as on his estates where Buccleuch, Home and Cesford were posted to keep him out.<sup>273</sup> Bothwell's plan was predictable - with 300 troops at his back (raised by himself, Niddry Marischal, Hackerston, Orme of Muckdrum and others) he planned to enter Holyrood and force the king's co-operation.<sup>274</sup> The plans came to nothing and various of the earl's followers were captured and questioned in order to reveal dangerous information. This time, many of them were tortured and executed so that many were 'terrified [so] that they dare deal no more with him'.<sup>275</sup> Bothwell retired to Caithness and was willing to go overseas if only he could be certain of his safety.<sup>276</sup>

For his final six months in Scotland Bothwell was little more than a shadow figure of his former self. Despite his new political alliance, he played relatively little part in the confrontation between royalist forces and the confederate lords at Glenlivet, in October.<sup>277</sup> By November, the earl was already rumoured to have gone abroad but was also seen in England, Eskdale and Caithness.<sup>278</sup> The prospect of another long winter in exile and great poverty

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<sup>270</sup> *CSP Scot*, xi, no 350. It was verified a week later, Moysie, *Memoirs*, 119. See also, Cameron (ed.), *Warrender Papers*, ii, 227-55.

<sup>271</sup> *CSP Scot*, xi, nos 353, 354, 355; *LJC*, 126.

<sup>272</sup> Spottiswoode, ii, 460-1.

<sup>273</sup> *CSP Scot*, xi, no 360. Buccleuch made a bond with various Armstrongs and informed them that, if any of them dealt with Bothwell, he would hang them, *ibid.*, no 390. Bothwell was in Edinburgh as late as September 1594, *ibid.*, no 366.

<sup>274</sup> *CSP Scot*, xi, no 366.

<sup>275</sup> *ibid.*, nos 362, 366, 373.

<sup>276</sup> *ibid.*, no 390.

<sup>277</sup> Calderwood, v, 348-53; Spottiswoode, ii, 460; Moysie, *Memoirs*, 120; Fraser (ed.), *The Melvilles*, i, 120; Forbes Leith, W, *Narratives of Scottish Catholics under Mary Stuart and James VI* (Edinburgh, 1885), 221-3; Willson, *James VI and I*, 115. Contemporaries recognised that the links between Bothwell and Huntly were exaggerated, HMC, *Marquis of Salisbury*, v, 10.

<sup>278</sup> *CSP Scot*, xi, nos 399, 405; Cameron (ed.), *Warrender Papers*, ii, 272.

meant that the last of Bothwell's followers considered leaving him (men such as Thomas Cranston, John Colville, colonel Boyd and the laird of Niddry Marischal).<sup>279</sup> In December, Bothwell made one final attempt to reconcile with the Scottish administration - he approached the duke of Lennox, acting as lieutenant of the north for James, but had to withdraw from Elgin when the town mustered against him.<sup>280</sup> Early in 1595, James VI succeeded in forming a coalition of interests against the earl: Elizabeth, with her resources concentrated on a full scale revolt in Ulster, had no time for Scottish affairs;<sup>281</sup> in February, the Edinburgh presbytery, finally, excommunicated the earl;<sup>282</sup> and, the same month, John Colville, once Bothwell's most trusted advisor, proved his conversion to the royal cause by betraying Hercules Stewart, the earl's half-brother.<sup>283</sup> Hercules Stewart, a man who was 'couteass and naturell and of gud statour', and not considered to be an 'enterpriser' like his half-brother, was tried and, on 18 February, executed in front of St Giles. On receiving the news, Bothwell collapsed; his efforts in Scotland had come to an end.<sup>284</sup>

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Late in March 1595, Bothwell left Caithness disguised as a merchant and accompanied by around two dozen gentlemen and mariners.<sup>285</sup> With two ships which had been pirated by his

<sup>279</sup> *CSP Scot*, xi, nos 373, 398, 411, 420. John Colville informed the government of all he knew concerning the earl and promised to betray him at the earliest opportunity, *ibid.*, nos 419, 424; *LJC*, 264-5. A contemporary noted that Bothwell was banished and forfeited as he 'did great wrongs not by himself to subjects buy by those who followed him', SRO, GD1/371/3, 261.

<sup>280</sup> *CSP Scot*, xi, no 430. Lennox had abandoned the earl and had granted Bothwell lands to Cesford and Buccleuch on condition they either pursue him or keep him out of the country, *ibid.*, no 282.

<sup>281</sup> Hill, J M, *Celtic Warfare, 1595-1763* (Edinburgh, 1986), 23; Willson, *James VI and I*, 114.

<sup>282</sup> SRO, CH2/121/2; MacDonald, *Ecclesiastical Politics*, 196; Calderwood, v, 365. See also, *BUK*, 837, 845.

<sup>283</sup> *CSP Scot*, xi, nos 465, 467, 470, 472, 474, 477; *LJC*, 139-40. The defection of Colville was considered vital as he knew all Bothwell's hiding places, *ibid.*, p. xxv.

<sup>284</sup> Calderwood, v, 364; Spottiswoode, ii, 461; Moysie, *Memoirs*, 124; Mackenzie (ed.), *Chronicle of the Kings of Scotland*, 152; Cowan, 'Darker Vision'.

<sup>285</sup> *CSP Scot*, xi, nos 485, 514, 515; HMC, *Marquis of Salisbury*, viii, 88; *LJC*, 154-5; Moysie, *Memoirs*, 122; Spottiswoode, ii, 461; Fraser (ed.), *The Lennox*, i, 422; Bingham, *James VI of*



half-brother, the master of Caithness, Bothwell followed a route to exile almost identical to that of his uncle a generation earlier.<sup>286</sup> After reaching the continent, interest in the earl and his activities did not cease.<sup>287</sup> Scottish and English agents maintained a close watch on the earl and his every movement was reported.<sup>288</sup> Henri IV, king of France, acted as his initial sponsor and this made James VI anxious enough to send an embassy to the French king and the duc de Guise advocating that Bothwell be persecuted 'in any Christian nation'.<sup>289</sup> Bothwell actively sought support and he turned to his wide range of contacts (many of whom he had been corresponding with for years). Some of these were actively anti-English,<sup>290</sup> others were actively pro-English,<sup>291</sup> and others still had relatively little political involvement but kept the earl in touch with his extended family and Scottish followers.<sup>292</sup> In return for favour and

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*Scotland*, 136; Willson, *James VI and I*, 114. One of the gentlemen was Francis Tennant, an English agent who constantly reported the earl's dealings to John Colville and Robert Bowes (who kept James well aware of the earl's movements).

<sup>286</sup> *CSP Scot*, xi, nos 483, 514, 515, 516, 518; *LJC*, 154-5. Like James Hepburn, Francis Stewart received a distinctly cool welcome in Orkney and Shetland.

<sup>287</sup> *CSP Span*, iv, no 633.

<sup>288</sup> *CSP Dom*, v, 168, 356; Akrigg, *Jacobean Pageant*, 66. The agents continued James's later policies towards Bothwell and were active in attempting to turn supporters away from the earl. In return, the earl attempted to obstruct Jacobean diplomacy in both the Low Countries and in Spain, *CSP Dom*, v, 439.

<sup>289</sup> Bothwell offered the king his Scottish horses and hounds as a gift of friendship (these, however, would have to have been transported to the continent through England and must have been seen as a gesture rather than physical promise), *CSP Scot*, xi, no 576 enc..

<sup>290</sup> For example, the earls of Huntly and Erroll (also in exile on the continent), *CSP Span*, iv, nos 633, 745; HMC, *Marquis of Salisbury*, vi, 427, 447; colonel Sempill, *CSP Span*, iv, no 633; father William Crichton, Meyer, A O, *England and the Catholic Church under Queen Elizabeth* (London, 1916), 524 (I am grateful to Dr Grant Simpson, University of Aberdeen, for this reference); the bishop of Boulogne, HMC, *Marquis of Salisbury*, xiv, 207; Felipe II, king of Spain, *CSP Span*, iv, no 633; and various other, unspecified, contacts, HMC, *Sixth Report*, 665; Fraser, W (ed.), *Memoirs of the Maxwells of Pollock*, 2 vols (Edinburgh, 1863), ii, 29.

<sup>291</sup> For example, Archibald Douglas, *CSP Scot*, xi, no 576 enc.; HMC, *Seventh Report*, 190; HMC, *Marquis of Salisbury*, vi, 447; Richard Douglas, HMC, *Marquis of Salisbury*, v, 134; Robert Devereux, earl of Essex, HMC, *Fifth Report*, 281; HMC, *Marquis of Salisbury*, v, 134; Gilbert Talbot, earl of Shrewsbury, HMC, *Calendar of Shrewsbury and Talbot Papers*, ii, 214; Henry Locke, HMC, *Sixth Report*, 257; HMC, *Marquis of Salisbury*, x, 40; Henry Unton (the English ambassador in Paris), HMC, *Marquis of Salisbury*, vi, 134; Charles Danvers, HMC, *Marquis of Salisbury*, vi, 134.

<sup>292</sup> These included Scottish mariners and merchants, *CSP Scot*, xi, no 515; *CSP Dom*, v, 245, 509; *CSP Span*, iv, no 708; HMC, *Marquis of Salisbury*, vi, 299; viii, 88; xiv, 24; *LJC*, 154-5. Bothwell also kept a presence in London through his factor, Robert Moore, *CBP*, ii, no 227 enc., and in 1599, James Douglas of Spott, Fraser (ed.), *Maxwells of Pollock*, ii, 47.



money he offered information he felt would be useful to each party.<sup>293</sup> Many of the contacts utilised by the earl knew that it was 'all pretends' and that there was 'little in it but words'.<sup>294</sup>

The French king soon tired of Bothwell (especially after he challenged a man to combat against the king's edict),<sup>295</sup> and, between 1595 and 1600, the earl moved around Europe as a soldier of fortune.<sup>296</sup> He was never slow at promoting himself: in 1599, he attempted to get a commission from the pope and the king of Spain to create him general of all English and Scottish forces in the Spanish army.<sup>297</sup> From 1600, Bothwell spent most of his time in Spain, where he continued his rôle as an accomplished courtier and gentleman with a coterie of followers to advise him, inform him of events and protect his interests.<sup>298</sup> He also kept several mistresses - one, in Flanders, received gifts valued over 2,000 crowns when he was ill;<sup>299</sup>

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<sup>293</sup> The earl was perennially short of money, *CSP Scot*, xi, no 576 enc.; HMC, *Sixth Report*, 660, 665; HMC, *Marquis of Salisbury*, vi, 134; viii, 180; xvii, 67. This was a man who, during his period in favour, had been noted for his wealth, Rogers (ed.), *Estimate of the Scottish Nobility*, 7; Brown, K M, 'Aristocratic finances and the origins of the Scottish revolution', *English Historical Review*, civ (1989), 49. Some of the contacts were open and above board but others, such as with the master of Gray in the later 1590's and the earl of Orkney in the early 1600's, were cloaked in secrecy, HMC, *Sixth Report*, 660, 665; HMC, *Marquis of Salisbury*, xi, 383.

<sup>294</sup> HMC, *Marquis of Salisbury*, v, 134.

<sup>295</sup> *CSP Dom*, v, 120-1; HMC, *Marquis of Salisbury*, viii, 180.

<sup>296</sup> He was reported as present or with affairs in Paris, HMC, *Marquis of Salisbury*, viii, 180, ix, 267; *CSP For (Eliz)* v, no 395; Lang, *James VI and the Gowrie Mystery*, 147; Madrid, HMC, *Marquis of Salisbury*, viii, 532; Brussels, *CSP Dom (1598-1601)*, 245; HMC, *Marquis of Salisbury*, viii, 180, 568; Lang, *James VI and the Gowrie Mystery*, 129; Antwerp, *CSP Dom*, v, 327, 343; HMC, *Sixth Report*, 660; Liege, HMC, *Marquis of Salisbury*, vi, 134; xi, 372; Rouen, HMC, *Calendar of Shrewsbury and Talbot Papers*, ii, 214; Dieppe, HMC, *Marquis of Salisbury*, x, 61; Calais, HMC, *Marquis of Salisbury*, xi, 372; and The Hague, HMC, *Marquis of Salisbury*, ix, 62.

<sup>297</sup> HMC, *Sixth Report*, 660.

<sup>298</sup> *ibid.*, 660, 665; *CSP Dom*, v, 120, 245. In 1603, Felipe III (aged twenty-five) was noted as keeping Bothwell 'near his own person'. He was considered 'a second Marshal de Biron', with 'vast personal bravery' and 'a large following', *CSP Ven*, x, 114; *CSP Dom*, v, 509; *CSP Scot*, xiii, no 775. His major character flaw was that he was considered 'most imprudent'. The Spanish council, however, were more sceptical of the earl's schemes and, although publicly backing Bothwell's schemes, they were, privately, less enthusiastic, *CSP Dom*, v, 418. On occasion, however, they did remind Felipe III of his obligations to the earl in terms of a pension and noted that if he was not encouraged then many people would be discouraged, *CSP Span*, iv, no 689.

<sup>299</sup> HMC, *Sixth Report*, 660.



another was almost the cause of his death and prompted the earl to make a quick escape from Antwerp to Spain;<sup>300</sup> and a third, in Spain, bore him, at least, one child.<sup>301</sup>

While in Scotland, Bothwell had courted the catholic side without openly declaring himself as a heretic. On the continent, as in his youth, he adapted his religious views to suit circumstances and, during his exile, he officially converted to catholicism.<sup>302</sup> This did not prevent him from attempting to continue his contacts with Elizabeth and English councillors, in spite of the repeated public rejection of his approaches.<sup>303</sup> Some aspect of Bothwell's character inspired loyalty and, on the continent, Bothwell even attempted to reconcile himself with John Colville, the betrayer of his brother.<sup>304</sup> Despite the very public disagreements that had been between the men in 1594 (whereafter Bothwell had attempted to kill Colville), the earl's former advisor noted 'I shall always be ready to save him [from himself and others]'.<sup>305</sup>

Bothwell still saw himself as politically influential. Although, in Scotland, such men as George Home (created earl of Dunbar in July 1605)<sup>306</sup> kept the prospect of Bothwell's return a distant aspiration, the factionalism of the Scottish and English courts meant that discontented nobles could always resort to the threat of the return of Bothwell as a counter-balance. The Scottish counsellors were not alone in assessing the value of the earl and Elizabeth of England

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<sup>300</sup> *CSP Dom*, v, 413, 418. The earl, for 'love matters', had upset the husband or lover of his recent conquest. The person concerned was 'a great person from the Low Countries' and attempted to ambush the earl on a number of occasions in hope of revenge.

<sup>301</sup> Toynbee, M R, 'A newly discovered Stewart: fresh light on Francis, fifth earl of Bothwell', *Notes and Queries*, cxiii (Oxford, 1948), 205-6, citing *Baptismal Register of San Pedro, Valladolid*, 14r. The son was called John, after the earl's father.

<sup>302</sup> HMC, *Marquis of Salisbury*, viii, 532.

<sup>303</sup> *ibid.*, v, 225; viii, 180; xi, 373; HMC, *Calendar of Shrewsbury and Talbot Papers*, ii, 214.

<sup>304</sup> HMC, *Marquis of Salisbury*, viii, 331. The earl of Essex attempted to further the reconciliation, *ibid.*, viii, 146.

<sup>305</sup> *ibid.*, ix, 123.

<sup>306</sup> *Scots Peerage*, iii, 286-9. In the grant of the earldom of Dunbar, George Home, alone, was credited with fully discovering the rebellious schemes of Francis, earl Bothwell, and combating them, HMC, *Fifth Report*, 648. The master of Gray disagreed and felt that lord Home had ventured a similar amount against Bothwell (and had the most to lose should the earl return to Scotland), HMC, *Sixth Report*, 660.

and Felipe II and III of Spain all petitioned James to allow his pardon or return to Scotland.<sup>307</sup> Elizabeth and her counsellors considered Bothwell an available option to control the Scottish king if he attempted to over-reach himself (especially in regard to his succession to the English throne),<sup>308</sup> while the Spanish monarchs appreciated Bothwell's constant interest in invasion of Scotland, England or Ireland (even when he exaggerated his own influence).<sup>309</sup> The fear of him returning occasionally enlivened the Scottish court: in 1598, he was reported to be in Scotland and liable to return to favour through the mediation of the visiting duke of Holstein;<sup>310</sup> in 1600, it was reported he intended to sail to Broughty, Dundee and then Perth and force the king to grant liberty of conscience (the king could not raise a fleet without the authority of parliament and the king could not call a parliament as the pro-Bothwell lords were in a majority);<sup>311</sup> and it has even been asserted that Bothwell was a background figure behind the Gowrie conspiracy of 1600.<sup>312</sup>

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<sup>307</sup> *CSP Span*, iv, no 672; *HMC, Marquis of Salisbury*, x, 267. By 1601, Bothwell had contented himself with petitioning for a pardon in exchange for his promise never to return to Scotland, *CSP Span*, iv, no 700. In 1600, Bothwell was aware of James's intricate foreign policy as regards approaches to Rome, Denmark and the Low Countries and the succession, *ibid.*, no 689. In 1601, Bothwell advised Felipe III to assist James VI to become king of England, but suggested that in return he would be able to extract concessions concerning trade and some favourable marriage alliances for relations - he, accurately, noted that 'war will utterly ruin and destroy' Spain, *ibid.*, no 700.

<sup>308</sup> *CSP Dom*, v, 189, 201, 356. Bothwell boasted he could act as the king's 'bridle' if he was given leave to reside in the north of England. Walter Raleigh, in a comment to Robert Cecil, advised 'let the queen hold Bothwell while she has him. He will ever be the canker of her estate and safety, *HMC, Marquis of Salisbury*, x, 440; Edwards, E, *The Life of Sir Walter Raleigh*, 2 vols (London; 1868), 220.

<sup>309</sup> *SCA*, CA4/1/10; *CSP Dom*, v, 177, 327, 413, 418; *CSP Span*, iv, nos 672, 700; *CBP*, ii, nos 339, 431; *HMC, Sixth Report*, 660, 665, 666; *HMC, Marquis of Salisbury*, viii, 331, 532; ix, 123, 189; x, 61; xii, 6, 15, 35. In 1602, Robert Cecil, perceptively, noted how Bothwell worked: 'when he dates his letters from an army, he doth as many a lover doth that he writes from his mistress's chamber, when he is lodged ten miles without the city wherein she abides...for those that should be brought into Scotland...it was but his dream', *HMC, Marquis of Salisbury*, xiv, 207.

<sup>310</sup> *CBP*, ii, nos 227 enc., 232; *HMC, Marquis of Salisbury*, viii, 115, 129, 136, 145, 345. The earl's English factor, Robert Moore, worked closely with Buccleuch (who was then out of favour at court due to his relationship with Bothwell), *CBP*, ii, no 227.

<sup>311</sup> Cowan, 'Darker Vision', 137. Bothwell still counted nearly thirty lords who would back such a move and still believed he could count on the support of 'Bothwell's horsemen' from the borders, *CSP Span*, iv, nos 674, 701. In 1601, a similar plan was proposed but the council of state, while commending the earl's zeal, felt there was 'no possibility' of such a mission, *CSP Span*, iv, no 702, 728. The plan was again proposed on 26 March 1603 when it was additionally proposed that Bothwell should assume the governorship of prince Henry. Bothwell felt he could still rely on the



The Stewart faction around the king still remained one of the most vociferous groups calling for the earl's return; the earl of Mar also felt Bothwell could return after a suitable period of exile; and the group of courtiers around the queen still championed his cause.<sup>313</sup> Several literary tracts were written in his favour in the years following his disgrace and exile,<sup>314</sup> and, although some of the earl's supporters continued to be prosecuted by central government, at times, even James seemed sympathetic to his exiled cousin, on one occasion stating 'if...Francis Bothwell [sic] were with him, his nobility durst not do as now they do'.<sup>315</sup>

The political illusion of Francis Stewart's power was not supported by the earl's physical capabilities. During his later Scottish enterprises, he, occasionally, had not been well. On the continent, this did not improve and his health suffered from 'a terrible disease'.<sup>316</sup> Robert Carey thought him dead in 1596,<sup>317</sup> Colville too noted that he was 'very ill',<sup>318</sup> and, in 1599, the earl had to reside in Antwerp in order to be cured of an illness described (the same year) by the master of Gray: 'all his head is couttit, and four or five inches of his hame paaune

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support or neutrality of Ochiltree ('a kinsman and vassal of my own') and Ferniehurst (who by then had positions on the border). The earl noted that time to act was short but he was already too late: two days earlier Elizabeth I had died and James VI of Scotland had immediately been proclaimed king of England, *CSP Span*, iv, no 745, 746; Nenner, H, *The Right to be King: the Succession to the Crown of England, 1603-1714* (London, 1995), 13.

<sup>312</sup> Cowan, S, *The Gowrie Conspiracy* (London, 1902), 162, 164. Lord Seton informed James that Bothwell still planned to take his life, HMC, *Marquis of Salisbury*, xii, 664, and, in 1602, Francis Mowbray, a long time associate of Bothwell, attempted to poison the king, Fraser (ed.), *The Melvilles*, i, 126.

<sup>313</sup> HMC, *Sixth Report*, 660; HMC, *Marquis of Salisbury*, viii, 88. From 1597, Ochiltree was lieutenant on the Border and, with Bothwell's traditional strength in this area, it was considered a possible landing point for the earl. In 1600, Bothwell and Seton of Parbroath, younger, were reported to have landed near Fast Castle, HMC, *Marquis of Salisbury*, x, 61.

<sup>314</sup> Cameron (ed.), *Warrender Papers*, ii, 154-64; Law, T G (ed.), 'Apology and defence of the king of Scotland, by Father William Creighton, SJ', *SHS Miscellany*, i, 61-2. It is even possible that Raleigh's poem, 'Walsingham' was a disguised suit for Francis Stewart, Clark, A (ed.), *The Shilburn Ballads, 1585-1616* (Oxford, 1907), 244-54; Hackett, H, *Virgin Mother, Maiden Queen: Elizabeth I and the Cult of the Virgin Mary* (New York, 1995), 157.

<sup>315</sup> *Scots Peerage*, iii, 571; *CBP*, ii, no 86. James repeated the threat five months later, *ibid.*, no 227.

<sup>316</sup> HMC, *Sixth Report*, 660; *CSP Dom*, v, 327.

<sup>317</sup> *CBP*, ii, no 339.

<sup>318</sup> HMC, *Marquis of Salisbury*, xi, 123.

[skull] to fall furth'.<sup>319</sup> He again suffered a 'long and severe' illness in 1602,<sup>320</sup> and spent most of 1611 in Naples, 'under the surgeon's knife'.<sup>321</sup>

At home, Bothwell's family continued a curious existence. They were not welcome at court, however, they continued to operate as members of the upper nobility. Although the earl's forfeiture was confirmed in 1600, Margaret Douglas continued to cope with the legacy of her husband.<sup>322</sup> In 1602, the countess of Bothwell was noted as one of the effective keepers of Liddesdale (along with Scott of the Haining)<sup>323</sup> but in 1605, she was again accused of rebellion.<sup>324</sup> She retained and used both the styles of 'lady Buccleuch' and 'countess of Bothwell' and lived at Moss Tower - part of her own terce lands held in liferent since the 1560s.<sup>325</sup> The earl's daughters were subject to marriage speculation and his sons were detailed in various orders by the privy council;<sup>326</sup> and, in 1603, it was proposed that Francis, his eldest son, should marry the eldest daughter of the new marquis of Huntly, without dowry.<sup>327</sup> The

<sup>319</sup> *CSP Dom*, v, 327; HMC, *Sixth Report*, 660. At another point, the master of Gray (who was trying to avoid contact with Bothwell) dined in the same room as the earl but 'knew him not till he spoke' HMC, *Sixth Report*, 665.

<sup>320</sup> *CSP Span*, iv, no 728.

<sup>321</sup> HMC, *Mar & Kellie*, ii, 48; HMC, *Tenth Report*, app. i, 533.

<sup>322</sup> *RPC*, xiv, 532; *RPC, Second series*, v, 73. In 1607, Margaret Douglas was put to the horn for an unpaid obligation relating to debts of her husband.

<sup>323</sup> *RPC*, vi, 538-9; HMC, *Marquis of Salisbury*, xii, 127. Interestingly, Walter Scott, Margaret Douglas's son (by then first lord of Buccleuch) and his successor, were unable to collect mails, duties or taxation from some Liddesdale residents until 1612, Fraser, *Buccleuch*, ii, 264-6.

<sup>324</sup> *RPC*, vii, 22.

<sup>325</sup> *ibid.*, 436; *RPC, Second series*, i, 25.

<sup>326</sup> *RPC*, vii, 178, 179; viii, 478; ix, 498; xiv, 602; Meikle, M M, 'The invisible divide: the greater lairds and the nobility of Jacobean Scotland', *SHR*, lxxi (1992), 76. In 1608, Lennox removed the laird of Craigiehall from his office as sheriff depute of Edinburgh. He was to 'suffer and permit the earl of Bothwell and others appointed by the duke to exercise the office'. It is unlikely this refers to Francis, earl Bothwell, and is more likely to refer to his son, Francis, *RPC*, xiv, 602.

<sup>327</sup> *CSP Span*, iv, no 746. In conjunction, Bothwell was to abandon all claim to Coldingham and forgive his enemies with the promise never to take action against them. Bothwell refused the conditions and said he would only comply if Felipe III thought it advisable. Francis Stewart stated he and his children required a dowry to recompense for the loss of estates and revenue but also that the surrendering his claim to Coldingham implied his guilt. He also felt that he could not trust the king to keep his side of the bargain as he had broken his word to the earl 'so often'. In 1599, one of the earl's daughters was reportedly considered for marriage to the earl of Morton's grandson, HMC, *Sixth Report*, 660.



family continued to operate in courtly circles and ultimately were received back into favour by Charles I.<sup>328</sup>

After the union of the crowns in 1603 and the treaty of London of 1604 (ending the warfare between England and Spain), the threat of Bothwell was significantly reduced. The earl's restitution had been a negotiating point for the Spanish ambassador in the months immediately prior to the conclusion of peace but James VI and I, and the courtiers around the new British king still felt that such moves 'will be dangerous, if they succeed'.<sup>329</sup> Bothwell continued unrestored and remained in Spain where he settled down to a more domestic existence.<sup>330</sup> When political situations required, however, his name (or the memory of what his name stood for) invoked interest and fear: in 1609, the master of Gray was still worried that rumours of his dealings with Bothwell would affect the trial of lord Balmerino,<sup>331</sup> and, in 1610, it was reported that Bothwell was involved in a plot with the rebel earl of Tyrone and lord Maxwell.<sup>332</sup> As Bothwell's health failed in 1611, it was considered that he was 'past doing any hurt, though he want not malice'.<sup>333</sup> In 1612, he died at Naples (which was Spanish territory), suspected of necromancy and in abject poverty.<sup>334</sup> The most colourful character in Jacobean Scotland was would trouble political affairs no longer.

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<sup>328</sup> *Scots Peerage*, ii, 172-3.

<sup>329</sup> *CSP Dom*, viii, 116. The laird of Cesford (newly ennobled as earl of Roxburgh) was particularly anxious as Bothwell's restitution affected his landholdings directly.

<sup>330</sup> HMC, *Marquis of Salisbury*, xix, 308.

<sup>331</sup> *ibid.*, xx, 245.

<sup>332</sup> Russell, C W, & Prendergast, J P (edd.), *Calendar of State Papers relating to Ireland, of the Reign of James I, Preserved in Her Majesty's Public Record Office and Elsewhere*, 5 vols (London, 1872-80), iii, 146. The target was, again, the Orkney islands. The plot, which solicited support in Spain, Rome and from the bishop of Vaison (William Chisholm, previously bishop of Dunblane) was considered to have been hatched by 'the assembly of vipers'. It came to nothing, HMC, *de L'Isle and Dudley*, iv, 192.

<sup>333</sup> HMC, *Tenth Report*, app. i, 533; HMC, *Mar & Kellie*, ii, 48.

<sup>334</sup> He had visited Naples before, in 1600, and settled there later in the decade, Toynbee, 'A newly discovered Stewart', 207; Murray 'The "devil" of North Berwick', 321.

The early 1590s have been a forgotten period in Scottish history. With the seeming inevitable rush of James VI to the English throne, the problems and concerns of the final decade of the sixteenth century have been, largely ignored. The policies and attitudes of the king have been interpreted from the instructions written by James for his son, Henry, in *Basilicon Doron*, and not from the king's actual actions during the period. Lee has seen the period as a test of the power of the crown and a test of the power of Maitland's administrative system. As such, it is a period where the king and his administration triumphed.<sup>335</sup> This interpretation, while valid, fails to appreciate the delicate balance of affairs for much of the period and over-emphasises the controlling 'system' which, at times, was a shambolic hotch-potch of muddle and prevarication.

When looking at the relationship between James and one of his closest blood relatives several points become clear: James did not have the support of significant elements within his realm for large parts of the early 1590s (even, at points, his own queen); he was equally uncertain of the strength of his relationship with England; he was not strong enough, popular enough or wealthy enough to impose his will in significant areas of the country (not just the peripheral regions but even the capital itself); and he could be just as capricious and inconsistent as other members of the political elite with his word counting for little.

When James arrived back from Denmark with his bride, he envisaged a newly-fashioned, assertive period of kingship which would articulate his personal honour, demonstrate the stability of the Stewart dynasty and express the suitability of the Scottish king to succeed to the English throne. The problems of his youth and, in particular, the problems of 1589 would be left behind. James considered that Maitland (ennobled as lord Thirlestane at the queen's coronation) would continue over-seeing an effective administration; that the nobility, bound by

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<sup>335</sup> Lee, *Maitland*, 230.



the new rules of court, would recognise their true position within the realm and cease their agitation; that Elizabeth would recognise the value of a friendly ally in the north and continue to subsidise his government; and that the kirk, patronised by a protestant king with a protestant wife, would feel secure enough to restrict its interference in daily politics.

Unfortunately for James, few of the Scottish political elite viewed his pretensions with such positive lustre. They saw attempts by a monarch (who failed to recognise the limitations of his own power and who surrounded himself with an increasing number of *arriviste* functionaries) to centralise authority and restrict opposition within the realm. Such a negative opinion of James's ideas were emphasised by the successes of the interim government. Although there had been areas of concern regarding the operations of Lennox and Bothwell, in general, the government had operated as effectively without the king as it did with him. Bothwell, who, in May 1590, had a range of support he could not have anticipated a year, saw himself as the representative of the wider nobility and expected not a diminished but an enhanced rôle in the new Scottish court. Such a view represented a possible but serious threat to the king, and the situation was not helped by the warm relationship which soon developed between the earl and the new queen. The North Berwick witch trials, into which Bothwell's name was dragged, provided a good opportunity to restrict the earl's influence.

After Bothwell's initial disgrace there was, in reality, minimal difference between the positions of the king and the earl. James sought unquestioning loyalty and subservience while Bothwell sought guaranteed security and the possibility of future restitution. At no point did Bothwell genuinely seek the throne and, at no point, did Bothwell seek to injure the king. (Such were merely allegations levelled at him by his enemies, who found it opportune to tar those of different views than themselves with allegations of succouring the earl). Bothwell had ample opportunity to injure James but had too much respect for his cousin and, like generations of rebels before him, contented himself with criticism of the king for his over-

reliance on 'middling men'. The situation was far from clear and, based on knowledge of James's character, the majority of the Scottish and English contemporaries were convinced that James would eventually forgive Bothwell's faults.

When dealing with the political problems caused by Bothwell, James VI was a short-termist. On each occasion when there was a growth in Bothwell sympathisers, James proceeded with patient predictability: he attempted to restrict the earl's international contacts; as opportunities arose, he pardoned and restored those of Bothwell's supporters who became disenchanted with the earl (and when they did not he pursued, captured, tortured and executed them); he restricted Bothwell's finances by granting out the earl's lands and patronages; he restricted the earl's access to alternative funds by concentrating his efforts on areas of Bothwell's strongest support such as the commercial communities of Leith and Edinburgh; and he constantly berated and petitioned the kirk to see the situation from his point of view. As time passed, however, and as the earl became more of a nuisance, the attitude of the king hardened and something close to paranoia took hold - Bothwell would be driven out at all costs.

The earl was never as strong as James believed him to be and, at times, he was extremely weak. Bothwell suffered from the same problem as Maitland: he was a totem and a figurehead for wider discontent. The earl was someone who could be relied upon to be part of a malcontent faction (as he was constantly looking for support), however, he rarely stood for the ideals which the malcontent faction were propounding and frequently he became alienated from them as James compromised to keep them quiescent. This does not mean Bothwell was bereft of support, but he was too often only a useful pawn in the schemes of others.

If the first Holyrood raid, in December 1591, is not viewed with hindsight as the first of a series of attacks on the king's person but as a genuine, last ditch attempt to secure justice before departing for the continent, then the 'violent inconsistency' of Bothwell in the early 1590s can be seen as a total sham. In 1591, as later in his career, Bothwell was saved by



external events - events over which he had no control. The murder of the earl of Moray in February 1592 and the discovery of the catholic plot involving the Spanish blanks in December 1592 prolonged the political importance of the earl Bothwell as it guaranteed him a constituency of support, firstly, from the irate Stewart family and, secondly, from the frightened English administration. Despite this support (combined with the support of the kirk), as time passed, the earl's support became depleted and he had to rely, increasingly, on border outlaws and English mercenaries for his support. Bothwell did not disappear from the Scottish or British political scene in 1595. Instead he continued to be a potent 'ghost' on the continent ready to be re-embodied when the need occurred.

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## ***CONCLUSION***

In 1932, McFarlane commented that 'the baronial conception of good government was that of a king guiltless of favouritism, employing and rewarding his natural councillors, leaving in their hands and in that of their servants and retainers, the administration of local affairs'.<sup>1</sup> Although McFarlane was considering the English situation, it was little dissimilar in sixteenth century Scotland. In 1974, Anderson attempted to define a change in social attitudes amongst the nobility:

the late feudal aristocracy was obliged to abandon old traditions and acquire many new skills. It had to shed military exercise of private violence, social patterns of vassal loyalty, economic habits of hereditary insouciance, political rights of representative autonomy, and cultural attributes of unlettered ignorance. It had to learn the new avocations of a disciplined officer, a literate functionary, a polished courtier, and a more or less prudent estate owner.<sup>2</sup>

Prior to the regal union of 1603, the Scottish court was at the cusp of this movement, although it is arguable whether such change was clean cut, sweeping or even conscious. In 1997, Loades developed further understanding of the realities of early-modern power elites, noting that, in England, the monarch knew well that their power was restricted (although the fact would never have been admitted) and recognised that it was restricted by the same men who upheld it: the monarch relied upon consent and co-operation to the extent that governance was 'a relationship of mutual advantage'.<sup>3</sup> As Wormald has suggested, this definition also neatly defines the situation in Scotland in the latter half of the sixteenth century.<sup>4</sup>

Francis Stewart, earl Bothwell, lord Crichton, Hailes and Liddesdale, commendator of Kelso and Coldingham, sheriff of Edinburghshire, Haddingtonshire and Berwickshire, provost of Haddington, great admiral of Scotland, master of the king's horse and the king's cousin reflected well the nature of both court and society. In many ways, either acting as 'feudal aristocrat' or 'new man', Francis Stewart excelled. He had learned to be more than a

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<sup>1</sup> McFarlane, K B, *The Nobility of Later Medieval England* (Oxford, 1973), p. xv.

<sup>2</sup> Goodare, J, 'The nobility and the absolutist state in Scotland, 1584-1638', *History*, lxxviii, (1993), 161, citing Anderson, P, *Lineages of the Absolutist State* (1974).

<sup>3</sup> Loades, D, *Power in Tudor England* (London, 1997), 4.

<sup>4</sup> Wormald, *Court, Kirk and Community*, 149.



‘unprincipled border magnate’<sup>5</sup> and had become, instead, ‘a charming and personally attractive ruffian, a lawless border gangster with a considerable veneer of culture’.<sup>6</sup> Like James VI, Francis Stewart, appreciated fine buildings, poetry, good horses, Italianate style and lively company. The earl, however, was equally aware that his was not a simple but a dual heritage, one that was both royal and Hepburn. Earl Bothwell was sensitive to the traditional rôle the nobility (especially the semi-royal nobility) in the governance of Scotland. He expected to play that rôle to the full. As James was impatient for the death of Elizabeth, so Bothwell was impatient for the preferment he felt he deserved.

Francis Stewart has received unfair criticism from generations of historians, who have failed to examine the earl within the context of his time and background. In looking at the 1580s and 1590s from a purely Jacobean standpoint, nuances and discrepancies in behaviour are ignored in favour of a consistent royal policy - a royal policy which resulted in James making a stately progress to a glittering English throne from a smaller kingdom which had been a well ordered and well governed testing ground. The harsh facts are that neither impression is wholly accurate. It has long been accepted by English historians that the last years of Elizabeth’s reign were of stagnant decline, opulence as opposed to substance, and of hocking the family silver to pay for conflicts that nobody wanted and debts that nobody would service. James, through the 1580s and much of the 1590s has been portrayed by historians as a shrewd, calculating, manipulative figure who relied on men he could trust and discarded those he could not. The success of his policies was clearly demonstrated by the lack of successful religious or political upheaval and the ultimate accession to the English throne. The historians have stressed James’s internationality, statesmanship, patronage and general good sense, only qualifying the image with accusations of a lack of financial prudence, a deteriorating relationship with his wife and high handed approach to church and nobility alike.

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<sup>5</sup> McElwee, *Wisest Fool*, 61.

<sup>6</sup> Lee, *Great Britain’s Solomon*, 73.

Contemporaries, however, often viewed the situation with a different perspective. In 1589,

Thomas Fowler, an English resident and spy in Edinburgh commented that

the king is not able to command his subjects by force as others; they obey him - at least the most of them - in slight matters not touching life...yet, when it comes to the execution of justice...they fear him not, and rather he fears to deal, at least with many of them at once, by the example of his forbears that were the best and severest justices were always cut off untimely...he has told me of the wickedness of the nobility and their evil natures and is weary of his life amongst them.<sup>7</sup>

Although there is a sufficiency of evidence for the whole reign of James VI to allow for a modification of both views, historians have tended to concentrate only on the political and religious aspects of the reign, particularly in the 1590s. The English succession comes to dominate everything and there is a thorough lack of perspective and an indulgence in caricature and determinism. The 1580s, on the other hand, has become a neglected decade and there is still a lack of a definitive political overview of the period. This lack of definitive work, especially on the early 1580s, has led to the period being discussed from a narrow, doctrinally defined point of view. This view seems to be largely based on the assumption that, by this period, James VI was a monarch already in control of his destiny. He was a proto-modern monarch, administratively advanced and politically secure, who was effortlessly progressing towards his ultimate goal of the 1603 Union of the Crowns. While historians have moved away from Wheldon's caricature of James I as a physically repulsive and politically inept monarch, they have not yet moved away from an image of a king whose interpretation of events is always seen to be correct.<sup>8</sup> The whole reign must be shown to have been successful, equable and reasoned. From a Scottish perspective, James's assumption to the English throne was a triumphant justification for centuries of nationalistic struggle. The lesser had succeeded to the greater. English historians, untroubled by insecure nationalism, have attempted to assess

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<sup>7</sup> *CSP Scot*, x, no 10.

<sup>8</sup> Ashton, R (ed.), *James I by his Contemporaries* (London, 1969), 10-6.



James's reign for what they perceive it to be - a qualified failure, not living up to the glittering reign of Elizabeth, but not stumbling blindly into the dogma and problems of Charles. Indeed it could be argued that simply because English historians in print have had cause to criticise James's performance, Scottish historians have seen the need to excuse and defend him.<sup>9</sup> From the Scottish stand-point, many historians seem willing to accept half-truths and propaganda as fact. They interpret the period from a pronouncedly pro-Jamesian and almost simplistic standpoint and set store in what he says and writes while ignoring what he actually does. Even James himself recognised that this was not a true reflection on his early personal reign.<sup>10</sup>

As with James VI, so too with Francis Stewart. It has been harder for historians to move away from the traditional view of the earl and to many he remains, 'of unsound mind...[with] friends in high places on both sides of the border and in the underworld, sufficiently powerful to...intimidate and terrorise the king with impunity'.<sup>11</sup> Although it has to be recognised that Bothwell was no paragon of virtue - he was a murderer, rapist, wife-beater, pirate, thief and liar - he was a man of his time and was no worse than many of his contemporaries. Any analysis of the earl need not necessarily end up as a defence of him, instead, it must seek to understand the context of his behaviour and the situations in which he was involved. Francis Stewart did, in truth, have a number of major character flaws. They did not, however, cause his political oblivion. They could not cause his political oblivion as they were character flaws which, just as equally, described <sup>some of the attributes of</sup> James VI, Elizabeth of England, John Maitland of Thirlestane, James Stewart, earl of Arran, George Gordon, earl of Huntly, Patrick, master of Gray, and just about every other Scottish, English or continental political figure. To seek

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<sup>9</sup> An interesting development in the historiography of James I is provided by Dr Jenny Wormald, who is attempting to rehabilitate the monarch even in terms of his reign in England, Wormald, J M, 'James VI, James I and the identity of Britain', *The British Problem, c 1534-1707: State Formation in the Atlantic Archipelago*, edd. B Bradshaw & J Morrill (London, 1996), 148-71.

<sup>10</sup> Craigie (ed.), *Basilicon Doron*, ii, 65. I am grateful to Mr Raymond Wells, University of Edinburgh, for this reference.

<sup>11</sup> Cherry, A, *Princes, Poets and Patrons: The Stuarts and Scotland*, (Edinburgh, 1987), 74.

consistency of policy and action in sixteenth century Europe is to fail to recognise the complexities of time period and to seek an illusion - among the major players, it did not exist.

Political expediency was the watchword in post-reformation Europe: Henri of Navarre abandoned his religion for the French crown; Elizabeth executed the catholic heir to her throne; and James VI frequently compromised his political and religious integrity for short term gain. Historians see each action as logical, well considered and part of a long term strategy. It was only so, because in each case, the expedient action worked. Henri of Navarre, after considerable difficulty, did succeed as king of France; Elizabeth, after a number of other scares, did secure a protestant succession to the English throne; and James, a monarch whose country was traditionally wary of England, successfully accomplished a personal union of the crowns unthinkable only fifty years previously. It is a classic case of the end justifying the means: James VI was to succeed to the throne of England and therefore the political actions he took during his Scottish reign must have been directed towards his ultimate purpose.

It is possible, therefore, that the reign of James VI deserves a different interpretation. James was weak. James was ineffective. James was not in control. James was in fact a straw, tossed about on a sea of expediency. He lurched from crisis to crisis offering only short term solutions. He sacrificed friends and colleagues before the altar of political survival. He trod the *via media* not because he was concerned with balance and conciliation but because he was pulled to-and-fro by the intense self-interest of those around him. Historians - against much of the evidence - tend to see many sixteenth century political figures as simple and naïve figures. Duplicity and cynicism is seen as the reserve of only a few - John Maitland of Thirlestane being the prime example. Heavy reliance, naturally, is placed on the written word as a route to the feelings and beliefs of individuals. Such a view ignores the motivations behind why material is written. These motives need not necessarily be simple. Such simplicity also ignores the multitude of levels on which people reacted. The concentration on political motivations



clouds the contacts made through family relations, local administration, ecclesiastical preferment, court patronage and everyday social interaction. It should not be denied that complex individuals operated within a complex framework of associations. Each noble, churchman and household servant was out to secure the maximum advantage for themselves and their supporters. Very few actions be they at court or in the locality were done without reason and very few nobles altruistically set out to better the state. It was, more often, survival of the fittest and de'il tak the hindmost.

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When attempting to comprehend the personal and political context of Francis Stewart, it is impossible to ignore the influence of his mother's family, the Hepburns. Although the family had only come to prominence in the middle of the fifteenth century, it had established a consolidated powerbase in Lothian and Berwickshire which rivalled the contemporary authority of anyone except the Douglas earls of Angus. Kelham has pointed out that 'the prestige attached to the possession of an honorific earldom was not bound to be converted into authority'.<sup>12</sup> This was not the case as applied to the Bothwell earldom, where, with their powerbase centred around Hailes and Haddington, the earls continued to represent the focus for comital strength into the sixteenth century (although their authority was never as the authority of the earls of Huntly in the north or the earls of Argyll in the west). The proximity of the lordship of Hailes to Edinburgh however meant that, more than many other members of the upper nobility, the earls Bothwell had to be aware of royal policy and its implications in the localities - often they would be a touchstone for central governmental interference.

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<sup>12</sup> Kelham, *Bases of Magnatial Power*, 209.

McFarlane defined the strength of comital estates as the continuity of administrative structure and continuity of personnel, whether or not they passed from one family to another or continued to be held by the male line (the same sort of stable tradition and expertise that the royal government institutions gave the crown).<sup>13</sup> The Bothwell comital estates had usually been administered by members of the Hepburn kindred and other close family connections (although not always successfully). With the disgrace of James, fourth earl Bothwell, and a gap of fifteen years before the succession of another mature earl, there was a considerable vacuum in authority to be filled. Francis Stewart, as earl Bothwell, suffered from a lack of close Hepburn family members - Patrick, third earl, had been an only child and James, fourth earl, had been his only son. Compared to the extensive and close kin network possessed by the first two earls (and the lord Hailes before them) this meant there was a lack of close Hepburns to support the new earl who represented a change of line. This lack of connection was obviously vital to Francis Stewart. His adoption of the Hepburn coat-of-arms, the importance he placed on the history of his family through his mother's line and the connection he maintained with the remaining members of the kindred would seem to be ample demonstration of such. As earl, Francis Stewart never forgot his obligations to his family and his kin-group, was aware of the extent of power exercised by his predecessors and took every opportunity to match and extend these powers. In three areas Francis Stewart attempted to recover the position which had pertained before the tenures of the third and fourth earls: firstly, he attempted to unmortgage lands lost to the earldom by earls Patrick and James; secondly, in Haddington, he accepted the offices of sheriff and provost, re-uniting judicial authority in the area for the first time since the election of a separate provost in 1543; finally, in Liddesdale, his administration from 1585 to 1591, although not perfect, consolidated the keepership and

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<sup>13</sup> McFarlane, *Nobility of Later Medieval England*, 140.



lordship as had only happened intermittently since the former post had been established by James V in 1532.

Francis Stewart's Hepburn heritage also indicated how problem areas, such as Liddesdale, could be dealt with (likewise it showed how they should not be dealt with) and although it would be dangerous to ascribe too many of the political motivations of Francis Stewart, fifth earl Bothwell, solely to his Hepburn heritage, it would, equally, be stupidity to ignore the fact that his inheritance played a significant rôle in shaping his attitudes, concerns and responses. The paradoxical nature of the importance of past events - unable to be assessed accurately by historical fact alone - is, of course, not unique to the Bothwell earldom. All the members of the ruling elite in the Jacobean period brought with them historical baggage: for example, James VI, liked to be compared with his paternal grandfather, James V (although other contemporaries preferred to see his similarities with James III);<sup>14</sup> James Douglas, regent Morton, pursued an active interest in recovering the piece of land from which he believed he took his title; and Robert Stewart, earl of Orkney, constructed his comital palace not in Kirkwall but at Birsay, the power centre of the Scandinavian *jarls* of Orkney.<sup>15</sup>

The other side of Bothwell's family links detailed his closeness to the crown: Mary was his aunt by blood and by marriage, James, regent Moray, was his uncle; and James VI was his

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<sup>14</sup> Juhala, A L, 'The evolution of Solomon: the aggrandisement of power and prestige in the court of James VI' (unpublished paper, 1996). James VI possessed a printed copy of the *Acta* of James V in his library; both monarchs were politically interventionist in the localities - especially on the border and in the western isles; both monarchs structured their court and familiars in similar fashions (the court titles used by James VI closely mirrored those of his grandfather); both monarchs patronised and participated in the written arts; and James VI even harked back to his grandfather to the extent that he cut his hair short, Dennistoun, J, *et al* (edd.), *The library of Mary, queen of Scots, and of king James the Sixth*, *Maitland Miscellany*, i, 6; Juhala, 'The evolution of Solomon' (unpublished paper, 1996). I am grateful to Dr Andrea Thomas and Ms Amy Juhala, University of Edinburgh, for discussion on these matters. Andrew Melville had used the comparison with James III as early as 1584, *CSP Scot*, vii, no 31. The earl Bothwell drew the closest and most biting comparisons: both monarchs were too acutely aware of English wishes; both monarchs ignored the European political situation and turned to Denmark for their brides; both monarchs delighted in bureaucracy and low-born favourites; and both monarchs excited the distrust of their traditional supporters - the nobility - to the extent that political revolt was always considered an option.

<sup>15</sup> Anderson, *Robert Stewart*, 73, 135.

first cousin (Francis Stewart spoke of king James as his 'sovereign and chief' and drew significant satisfaction from the bond).<sup>16</sup> While these connections served Francis Stewart well in the 1560s, it was his strong links to the Douglas family (and their respective connections) which proved to be of benefit at court during the 1570s. Confirmed in his hereditary rôles, he returned to Scotland in mid 1582 (following an education at St Andrews and on the continent - where he made a number of important contacts which would be to his benefit in later life) and from then until his ultimate disgrace a decade later, he played a significant rôle in Jacobean Scotland (having re-acquired authority from people who had held influence when he was abroad).

It is difficult to state with complete accuracy, the political affiliations of Francis Stewart during the turbulent years of the Ruthven and Arran regimes between 1582 and 1585. When it comes down to analysis, it is difficult to assess what was real and what was a carefully constructed chimera. Almost every event during James's reign such as the Ruthven and Stirling raids (like the later Brig o' Dee affair, the Spanish Blanks or Gowrie conspiracy) could be viewed sceptically as a governmental illusion to disguise the truth and engage in massive state deception. Where rumour stopped and where reality began was a question even contemporaries struggled with. Often, earl Bothwell reflected well the uncertain governmental policy and, like his monarch, Francis Stewart appears to have perfected the art of sitting on the fence - he had adaptability. It was not inconsistency or unwillingness to make a commitment - it was a conscious decision and dictated by the times.

Francis Stewart was, by nature, impatient but throughout the 1580s his one guiding principle was a loyalty to the crown and James VI. Initially, this was demonstrated within the royal bedchamber - a centre for erudition, learning and wit. Esmé, duke of Lennox, had risen to political control through his dominance of the chamber; the earls of Angus and Mar, during

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<sup>16</sup> *CBP*, i, no 408; Brown, *Bloodfeud*, 18.



the Ruthven regime, possessed control of the chamber and, through it, government; James Stewart, later earl of Arran, initially had been a gentleman of the chamber; and the earl of Huntly's position largely depended on his influence within the chamber (in a way very similar to Bothwell). Another factor, underestimated, when considering the bedchamber in the early 1580s was the importance of European associations - Lennox, Arran, Huntly and Bothwell had all spent considerable time on the continent and were, in a real sense, European aristocracy - something James, for all his education, could never be.

As with those around him, Francis Stewart matured and developed over the course of the next decade. While in 1579 he was an untried, political hopeful, in the shadow of his more powerful familiar connections, by 1585, had a stable family life, had challenged opponents who threatened his position and established a trusted position at court, a political significance both on the border and in East Lothian, and a respected opinion in religious affairs. A large factor in this growth in influence was that he recognised that the route to favour was not through administration but through James VI himself. The earl did have character flaws - perhaps the character flaws of young men - he was rash, brash and temperamental, however, these flaws endeared him to a young monarch anxious to be seen as 'one of the boys'.

In any attempt to understand Francis Stewart, earl Bothwell, the recognition of the situation in eastern Lothian is pivotal. Lothian was the central area of Bothwell's authority and the traditional source of his influence. The Hepburn earls Bothwell had always had rivals in the area for courtly influence but Francis Stewart now faced a challenge from those, such as lord Lindsay of the Byres, who had assumed greater responsibility in the area following the disgrace of the fourth earl, as well as a new rank of favourites, such as John Maitland of Thirlestane and John Bellenden of Auchnoull, whose families had traditionally been subordinate to the greater aristocratic families but were now, increasingly, on a par with them. (Despite the new challenges, there is little extant evidence of any continuation of the court

feuds between Bothwell and Home and Bothwell and Maitland in Lothian). As sheriff of Edinburghshire and Haddingtonshire, Bothwell was the traditional repository of support for lesser men, and, in the later sixteenth century, this continued to be the case. Even in disgrace, the men of Lothian were more liable to support the earl than the king (although they were also the most likely to feel the king's wrath and be called upon to muster in support of the royal objective).

The Lothian lands of the earl Bothwell provided stability and a centre of operations close to the capital. There continued to be active comital administration on all levels and this also allowed for traditional links with surrounding families and burghs, such as Haddington, North Berwick and Dunbar. The earl's principal summer residence was at Crichton and there Bothwell transformed a functional courtyard castle into the finest private example of renaissance architecture south of the Forth. If McFarlane's evidence concerning noble expenditure in England can be taken of indicative of tendencies - the greater part of the *incomes* of the nobility were neither hoarded nor invested but used to achieve a higher standard of luxury<sup>17</sup> - then Bothwell must have had access to considerable excess wealth and a capacity for conspicuous expenditure. The lands provided Bothwell with rents and wealth (although not on a par with his border estates) and allowed him to develop his ambiguous relationship with the capital. In Edinburgh (where he held property and acted in an official capacity at court and as admiral), the earl was popular yet did not always see eye-to-eye with the local administration.

Outlying localities were a problem for James VI principally when they threatened the smooth course of royal government.<sup>18</sup> Liddesdale historically had been a difficult problem for the crown and there had been a political vacuum in the western isles since the royal suppression of

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<sup>17</sup> McFarlane, *Nobility of Later Medieval England*, 96. See also Walker, S, *The Lancastrian Affinity, 1361-1399* (Oxford, 1990), 21.

<sup>18</sup> Adams, S, 'Southwest Scotland, c 1585-1650', *The Core and Periphery* (ASPHR, Glasgow, 1994), 40.



that lordship in 1493.<sup>19</sup> Both areas, which were used to a certain lack of control, were difficult to administer in terms which the crown found acceptable. The attempt to employ Bothwell as a solution to both problems was very much a traditional response by a traditional monarch. In Liddesdale, Bothwell attempted to solve the problems by ignoring justice when he could. Through his lack of firm justice and tacit (or blatant) encouragement of the Liddesdale way of life - raiding English lands - Bothwell gained considerable respect. Although others felt challenged by this, it was beneficial to the realm as it gave the central administration a modicum of control in the mid 1580s. As James's mind became more and more focused on his English succession however, the border became a more important region in his consideration. As James interfered more, Bothwell sought more authority and the traditional responsibility as lieutenant of the border (by 1591 he was in his late twenties and no longer the untried teenager of his return to Scotland). That James would not grant the earl this authority and eventually grew tired of the continuing raids and (traditional) lack of judicial results suggests that the growing pressure caused by the succession to the English throne crucially affected the king's political actions in the early 1590s. More and more Liddesdale was seen as similar to Lewis - an outlying, troublesome area in need of control. The solution of the crown, to remove Bothwell from Liddesdale and place him in control of Lewis and Skye may have solved a short term problem but surely would have created longer term problems.

The border lordships of Bothwell (all held in regality) - Liddesdale, Kelso and Coldingham - allowed the earl time away from court. One concentrated comital effort on an area of the earldom popular with the third and fourth earls (who were as much border lords as they were courtier nobles); the second was strongly focused on the areas of interest of Bothwell's wife, Margaret Douglas, and step-son, Walter Scott of Buccleuch; and the third provided a tangible link between the earl and his father (and his long-term associates), and bolstered his judicial

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<sup>19</sup> Dawson, 'The origins of the "Road to the Isles"', 79.

authority as sheriff of Berwick. Like Bothwell's Lothian lands, the earl's border holdings provided manpower and wealth. This total *income* must have been over £60,000 *per annum* in rentals alone and was significant. (No figures survive for Bothwell's *income* from his positions as sheriff, bailie, admiral, gauger and searcher but a total annual income of over £100,000 must not be considered impossible.) Analysis of the post-disgrace supporters of Bothwell would seem to indicate that the earl found it relatively easy to attract support from Kelso and Liddesdale (where he had had a longer term relationship) but harder to draw support from the east march and Coldingham - partly due to the shortness of his tenure but probably also because of the pervasive influence of the Homes in that area. This is, though, a considerable generalisation as some east march families did back the earl and continue to do so throughout his disgrace. (The cross-border links required by a border nobleman also stood Bothwell in good stead and, during his disgrace, he made good use of the Grahams of Esk and other English families with secure lands near to the border.) The earl's outlying estates - in Annandale, Dumfries-shire, Kirkcudbrightshire - were rarely utilised and were useful only in the extent that they returned rents. Any visits to these areas were unrecorded and reference to them in any charters is, likewise, scarce.<sup>20</sup>

Francis Stewart's influence also came from his offices. It was not only a matter of funds and influence but also of contacts. Bothwell's rôles allowed him to the very heart of the court and royal household. Not only did he hold offices but relations and friends held prominent offices in the king's and queen's entourages. His offices consolidated his judicial rôle in that he was enforcing the law when it suited him - normally for financial benefit. This was nothing unusual - this was how sixteenth century Scotland was governed. More and more James sought to centralise administration however and Bothwell in both the admiralty and his

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<sup>20</sup> A similar circumstance was found when Kelham examined the documentation of Robert, first duke of Albany - the majority of his documents were concerned with the Lothians, and the more outlying districts were neglected, Kelham, *Bases of Magnatial Power*, *passim*..



position as sheriff of Edinburgh was compromised by central government and the burgh council of the capital. As the Scottish realm progressed administratively the traditional approach to governing was lost and this affected Bothwell's degree of personal control. Likewise, his association with less reputable individuals, on land and sea, was not unusual. As Brown has noted 'some Scottish noblemen...presided over extensive criminal networks involving protection, blackmail, terrorism, raiding and murder. In return for immunity from the law, and protection from their enemies...men carried out the dirty work for their lords'.<sup>21</sup> By the very nature of the business being undertaken, evidence for concrete links formed from such actions are slight. Such positions gave the earl financial stability, a nexus of supporters and extensive power of patronage. It allowed him to fulfil a number of diverse rôles - on the local, national and international scene - and allowed him to draw on more than one set of loyalties.

Another diverse rôle gladly accepted by Bothwell was that of patron. In a ridiculous statement, Cherry has commented that 'the nobility were disinclined or unable to provide it [patronage]'.<sup>22</sup> As a well educated man, Bothwell patronised a number of writers; a number of literary and legal tracts were dedicated to him as a result.<sup>22a</sup> In addition, considerable patronage was shown to architects and decorators for the earl's buildings at Crichton and Kelso and it would seem clear that not only did the earl have distributable wealth but that he was not averse to granting it to favoured parties. The considerable bulk of this wealth pertained to the financial patronage Bothwell could offer as commendator of Kelso and Coldingham. The border holdings of the earl allowed him not only to promote members of the clergy but also household members, local officials and favoured students embarking on education at university. Considerable cross patronage meant that service to the earl in one function did not have to wait for reward from that area alone.

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<sup>21</sup> Brown, *Bloodfeud*, 20.

<sup>22</sup> Cherry, *Princes, Poets and Patrons*, 69.

<sup>22a</sup> Meikle, *et al* (edd.), *Works of William Fowler*, ii, 3; iii, pp. xiv, xxiv.

The kirk was short of 'godly magistrates' following the execution of William, first earl of Gowrie, in 1584 and the death of Archibald, eighth earl of Angus, in 1588.<sup>23</sup> Bothwell, with his heritage firmly founded in the protestantism of his uncle, his wife and the regents Moray and Morton, was in an ideal position to assume the rôle of champion of the kirk. Brown has attempted to define in Bothwell's pronouncements after 1591 a 'radical protestant propaganda' designed to appeal to younger lairds impressed by blossoming religious zeal.<sup>24</sup> It may be too easy here to define a radicalism that did not, in reality, exist. Certainly Bothwell scattered his letters with biblical allusions and communicated with some of the more outspoken ministers of the kirk, but, at the same time he was also noted for leading a dissolute life and courting foreign catholics. It is the same when dealing with the fifty or so churches under Bothwell's patronage. Here was the best opportunity for the earl to display his 'radical' credentials, however, the impression gained from a decade of granting patronage is of a conventional and traditional approach to distributing benefices: both reformed priests and more vocal presbyterians came within the orbit of the earl's patronage.

The ecclesiastical holdings of Francis Stewart certainly provided him with opportunities not readily available to his fellow earls. The landholdings of both Kelso and Coldingham were of crucial importance in their localities and, coupled with the other interests held by the earl in these areas (territorially, officially and personally) they gave a foundation for a powerbase more extensive and diverse than any of the preceding earls Bothwell. Francis Stewart had held the rights to the wealth of Kelso since infancy and a significant proportion of his wealth, when mature, came from the Roxburghshire lands of Kelso and his wife's adjacent terce lands at Eckford and Grimslaw. Not only did the ecclesiastical holdings provide wealth but they also

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<sup>23</sup> Lynch, 'Preaching to the converted?', 337.

<sup>24</sup> Brown, K M, 'The laird, his daughter, her husband and the minister: unravelling a popular ballad', *People and Power in Scotland: Essays in Honour of T C Smout*, edd. R Mason and N MacDougall (Edinburgh, 1992), 108.



provided a whole range of new vassals and contacts for the earl (some broadly favourably, some otherwise).

The major benefices held by Bothwell of Kelso and Coldingham were at the centre of the one local conflict between the earl and Maitland which reflected their duel for superiority at court. In 1587 a compromise was reached. Bothwell received the commendatorship of Coldingham, enhanced admiralty powers and a re-grant of all the lands of the earldom, regardless of previous alienations and mortgages and Maitland received the chancellorship (a position Bothwell coveted), the commendatorship of Kelso and the bailiary of Lauderdale. By the end of 1587, however, it was clear that Maitland held the superior hand: no military revenge had been extracted for the death of queen Mary in February; Bothwell's re-grant of his earldom was the subject of legal challenge; and the admiralty provision was causing dissent among the royal burghs. Bothwell harboured considerable resentment at being outmanoeuvred and resumed a course of action antipathetic to the chancellor (which remained until the summer of 1589).

The choice of Bothwell to effectively govern whilst the king sailed to Denmark to marry his bride may initially appear a strange decision. The earl had been out of favour for a large part of the preceding year (committing *lèse majesté* by rising in arms at the same time as the Brig o' Dee rebels in the north) and was widely rumoured to have illegal dealings with both the Spanish and the English. The choice of Bothwell may have been made for any number of reasons: a recognition of long term friendship; a late reward for previous support; compensation for sums of money expended on the royal wedding preparations; or a traditional attitude, on behalf of the king, that the most senior, politically active, family member should hold the reins of power. If James is not regarded as a confirmed Anglophile but, instead is viewed as a pragmatist accepting offers from both sides but promising nothing concrete to either, then, out of the available Scottish nobility, Bothwell was the closest in character to the

king himself. He had few firm political or religious opinions - having dealt with protestant and catholic, Englishman and Spaniard with ambivalence.<sup>25</sup> Bothwell certainly was one of the few nobles at court who had the ability, reputation, connections and accessible manpower to be able to daunt the realm into obedience, lacking the king. Any more complex interpretation of events - that Bothwell was given just enough rope to hang himself - would seem cynical in the extreme.

Regardless of how James came to the decision to let Bothwell play a prominent rôle in government, it resulted in a broadly successful outcome. There were few actual problems while James was abroad and, indeed, the settlement of feuds and positive cross-border relations were widely welcomed by the political *cognoscenti*. However, while there was no physical breakdown in order, there is cause to believe that, from the king's perspective, there was an undermining (conscious or otherwise) of the basic stability of the realm. Francis Stewart ignored the king's considered instructions on how to govern (the administrative plans left by James were almost unworkable, highly bureaucratic and failed to recognise the extent to which Scottish government operated by rapid accommodation to the prevailing circumstances. They would seem to have been conceived by a brain less comfortable with the concept of the '*via media*' than that of direct, centralised control), he made no secret of dealings with catholic subjects and, as if above the law, he acted illegally in terms of property belonging to Graham of Fintry and Bellenden of Auchnoul. The formation of a corporeal Stewart faction, the settlement of several long-running comital feuds and whispers of plots against the king and his chancellor did not help the situation.

As the Campbells were bolstering their power in the west and as Huntly was in the north, so Bothwell was in the south. Bothwell was challenging the southern powers which had existed under James V - most notably Angus and Home. Bothwell, largely, was successful, however

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<sup>25</sup> James had noted, only a few months before his departure that Bothwell was 'the greatest enemy to England and Englishmen that may be', *CSP Scot*, x, no 264.



this posed a threat to those in central authority.<sup>26</sup> Central government felt threatened - particularly when Bothwell was successful as assistant governor in 1589/90 and received much praise from Elizabeth and the English ambassador, Bowes. While similar situations pertained in the west and north, James recognised that it would take a series of major expeditions to combat either the power of the Campbells or Huntly. Bothwell was within reach and, because his locality was also the Scottish 'home counties', individuals could be wooed from the orbit of the earl to the greater flame of court. This was a slow process. It is possible that James recognised that only piece-meal action would succeed (in which case he was a far sighted visionary), however, it appears more likely that he merely adapted to disaffection and uncertainty by offering alternatives when the situation offered itself.

Lynch has considered that, following the king's return from Denmark, there was a watershed for the Scottish administration in terms of politics, ecclesiastical affairs and society, in general:

the institutions of a feudal kingdom were put under immense strain by a variety of pressures, including population increase, price inflation, the bankruptcy of the crown, escalating feuds, two sets of noble rebellions (each of which resorted to playing the card of religious militancy), and the frantic efforts of various groups in society to discover their status or keep it amidst a complex of bewildering change.<sup>27</sup>

James certainly attempted to restructure and formalise Scottish governmental institutions and these changes directly impacted on Francis Stewart. Wormald has argued that James 'relied, or wanted to rely, primarily on his nobles'.<sup>28</sup> Such a contention is open to considerable debate. Francis Stewart, during the early 1590s, wished for nothing more than to be relied upon.

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<sup>26</sup> Even before the death of Archibald, eighth earl of Angus, in 1588, Bothwell was receiving more respect on the border despite the older man being lieutenant. William, ninth earl of Angus, was not as effective as his predecessor and, by 1591, Bothwell also had a working alliance with lord Home (with whom he had been at feud for much of the preceding decade).

<sup>27</sup> Lynch, 'Preaching to the converted?', 303.

<sup>28</sup> Wormald, *Court, Kirk and Community*, 151.

Unfortunately for the earl, the king only wished to rely on those members of the nobility (from whatever level) who he knew had to rely on the crown for patronage and favour. Bothwell had become too confident and too independent for his own good. He was not alone. Other members of the upper nobility also felt resentment at the king's new procedures and especially his promotion of men of lower rank into positions of influence. This gave Bothwell a considerable basis for support (visible or tacit) should any situation prove too provocative.

Ironically, the accusation of witchcraft following the North Berwick trials of winter 1590/1 (the event with which Francis Stewart is most associated) was a relatively insignificant matter in the context of the politics of the 1590s. The nobility did not object to the accusation but to the treatment of the earl, himself, and even James and Maitland were willing to recognise that there was no real substance behind the claims. The king and the chancellor were concerned, however, that the accusations were one further physical manifestation of the disregard Bothwell now paid to the king's interests and a further example of Francis Stewart's willingness to engage in unconventional means to achieve his own personal ends.<sup>29</sup> What the early 1590s do demonstrate is the considerable doubt over Wormald's claim that James, as a monarch, 'did not feel politically threatened'.<sup>30</sup> The alienation of Bothwell, in conjunction with other disastrous political moves, such as the reaction to Huntly's murder of the earl of Moray, meant that the higher nobility were often willing to remove their support from the king and transfer it to a forfeited outlaw. Indeed, at one point, it would seem that only three earls (out of a possible two dozen) were actively backing James.<sup>31</sup> The king had the support of some

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<sup>29</sup> In Pitscottie's history of Scotland, Hepburn of Hailes and the laird of Home opposed the duke of Albany's right to obtain mails and duties from the earldom of March. Unable to combat him politically or militarily, they turned to Thomas Cochrane, court favourite of James III, to effect the duke's downfall. The means Cochrane chose to effect Albany's fall was witchcraft. Although unimportant in itself, in the context of 1590s Scotland, such a claim was political dynamite for the descendant of Hepburn of Hailes - it implied willingness to consider alternative approaches and willingness to consider unconventional means, Pitscottie, *Historie*, i, 163-5; MacDougall, "It is I, the Earle of Mar", 37, 42; Nicholson, *The Later Middle Ages*, 484.

<sup>30</sup> Wormald, *Court, Kirk and Community*, 149.

<sup>31</sup> Rogers (ed.), *Estimate of the Scottish Nobility*, 54-63; see Appendix 9.



members of the lesser nobility and also most of his administrative team, however, those men who traditionally had the influence in the realm (as well as queen Anna) were isolated from their monarch.

In the period 1591-5, Bothwell initially sought to recover his position at court but, as time progressed, he became more concerned regarding the protection of his family and the obtaining of his own pardon, or, at least, security.<sup>32</sup> Throughout the period, Bothwell resented being persecuted (he felt unfairly) and felt that the only way to obtain peace was to seek an accommodation with the king. Bothwell approached a number of intermediaries to consult with the king. The bulk of the nobility were generally favourable and the hoped for reconciliation took the form of the three palatial raids in December 1591, June 1592 and July 1593. While these raids have been consigned to folklore as 'erratic' attempts to kill the king, in truth, that was the last objective they hoped to achieve.<sup>33</sup> On each occasion, as with the Raid of Leith in April 1594, Bothwell withdrew his forces and refused to threaten his monarch. The earl maintained he was loyal to his cousin to the end. Brown has recognised that there was a deeper motive behind Bothwell's raids - they were not really violent attempts to gain control of court or the king's person - although they were certainly not an attempt to reconstruct the situation of James's minority as Brown also claims - they were, instead, solely an attempt to gain access and pardon by the one remaining method.<sup>34</sup>

One thing Bothwell was not aware of was his weaknesses – the earl was disinclined to make hasty decisions – and, when he did make them, he frequently regretted them and reversed them. This led to a general mistrust for him on all sides. When Bothwell did have concerted support, he did not realise it would be transitory. James was adroit in getting nobles to forget their differences and reconcile. Conciliation was not in Bothwell's nature and so, one

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<sup>32</sup> Lee, *Maitland*, 125, 262.

<sup>33</sup> Fraser, *James VI of Scotland, I of England*, 112.

<sup>34</sup> Brown, *Bloodfeud*, 113.

by one, those nobles who backed his efforts left him. It was only the poor timing of the murder of James Stewart, earl of Moray, that prevented Bothwell being exiled after the failed Holyrood raid. Each time thereafter, when James held the upper hand in regard to his cousin, a political event allowed Bothwell to recover some of his position and strengthen his depleted powerbase. That said, even when Bothwell enjoyed the support of the kirk ministers and common people, it is not always clear whether they were backing him for his beliefs or to make a point to the administration. Throughout 1591-5, Bothwell was consistent to himself - he was 'an issues man', deciding each situation on its merits or otherwise and unconstrained by any over-riding political or religious dogma. He utilised the forces available to him, and did not always consider the consequences. As a result, it made perfect sense to the earl to ally himself to the northern, catholic lords in the summer of 1594. He had approached all other interested parties and none would entertain his requests for support. That the decision forfeited all the earl's remaining support (and resulted, finally, in his excommunication) was a long term problem, similar to the other long term problems the earl had faced since his disgrace - it no longer mattered to Francis Stewart, he, like his monarch, was working on short term solutions.

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While there were no international wars involving the Scottish monarchy during the late decades of the sixteenth century, the reign was not an idyll of peace and tranquillity. The crown sponsored feuds between Moray and Huntly and Bothwell and Home - and it could be argued that such came about because of the fundamental weakness of royal authority.<sup>35</sup> The king's international policy, while generally favouring English concerns, was infuriatingly

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<sup>35</sup> Bernard, G W, 'The Tudor nobility in perspective', *The Tudor Nobility*, ed. G W Bernard (Manchester, 1992), 36.



unclear to contemporaries. Within Scotland, Jacobean justice was, at times, unreliable and, at other times, non-existent; James's border policy failed until after 1603; his highland policy likewise was hampered by indecision and deception, only reaching something like a successful conclusion in 1609 (though even this is debatable).<sup>36</sup> James's policy concerning religion can best be described as uncertain and the economy in the period went through a number of serious crises. James's attitude to his traditional supporters, the *earls* – executing three, murdering one and exiling numerous others – while not quite on a par with earlier Stewart monarchs, was certainly in a similar vein. The 1580s and 1590s were a period of intermittent famine, witch-hunt, and apocalyptic fear - the people in the fields and towns of early modern Scotland can hardly have recognised the king as the paragon of virtue modern historians wish to make him.

Francis, earl Bothwell, and James VI had ample opportunity to work together for the betterment of the realm and, when they did in the 1580s, there was considerable success. However, from the time of the king's return from Denmark, small misunderstandings over incidents, which were in themselves relatively unimportant, engendered a mutual feeling of mistrust. Further misunderstandings complicated the matter until the two cousins were diametrically opposed - the king representing progress; the earl tradition and stability. The *impasse* was a result of a lack of recognition (on both sides) of the realities of power, a lack of respect and not a small degree of small mindedness and intolerance. In Bothwell's opinion, the king was petty and vindictive, too willing to listen to the advice of others and not content to make up his own mind. To the king, Bothwell had spurned his overtures of friendship and turned into a political ogre. To James, and most historians since, Francis Stewart had become an 'object of personal dread', and as such he had no place in the mainstream of an advancing, modern court. Bothwell was alienated and isolated as both he and James shared the same

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<sup>36</sup> Lynch, 'National Identity in Ireland and Scotland', 111.

problem: they could not (or would not) see any political situation from a perspective other than their own. A man who had been willing to take a major rôle in the government of the kingdom was neglected and maltreated, sometimes with considerable validity, until outright confrontation seemed the only viable solution. That solution only sealed the earl's fate more securely and ensured that the misunderstandings between monarch and subject could never be reconciled.



## ***APPENDICES***

### *Appendix 1: Historiography*

When studying the political career of any one person, it is difficult not to become aware of their personal disposition and some of their character flaws. It is, however, also very dangerous. One must constantly be on guard that they do not predetermine or prejudge actions based on character traits which they might wish to associate with their subject. Likewise, historians must be careful not to vilify a person solely so that their character flaws may be seen as justification, in the basest terms, for the actions conceived. Unfortunately, in the case of Francis Stewart, fifth earl Bothwell, this has too often been the case.

Contemporaries are by no means unanimous either in their praise or disparagement of the earl. Some are complimentary: 'the nobleman hath a wonderful wit, and as a volubilitie of tongue, as habilitie and agilitie of bodie on horse or foote...completely learned in Latin, well languaged in French and Italian..much delighted in poetrie...and of a verie resolute disposition, both to do and to suffer...nothing daintie to discover his humour or any good quality he hath';<sup>1</sup> others balanced: 'whom God hath indued with manie rare perfections of nature...young and wild';<sup>2</sup> 'for wickedness, valour and "goods parts" he surpassed any three other Scottish nobles';<sup>3</sup> and some, brutally frank: James VI, at one point, called him 'that vile man'.<sup>4</sup>

Subsequent generations of historians and commentators have been equally unsure of the earl, although they tend towards the uncomplimentary. Indeed, at times, it would seem that historians are vying for the most outrageous and colourful description of the earl - each one becoming more and more extreme as the list of adjectives used grows.

The attacks on the earl, generally, take two forms. In the first instance, historians cast doubt on the personality and character of Francis Stewart. Such descriptions range from the cautious to the ridiculous. Most respected historians appreciate the difficulty in summarising the earl's

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<sup>1</sup> *CBP*, i, no 874.

<sup>2</sup> Law, T G (ed.), *Miscellany of Scottish History Society*, i, 61-2.

<sup>3</sup> *CSP Scot*, ix, no 655.

<sup>4</sup> Willson, *James VI & I*, 112.



character: to Donaldson, he was a complex character,<sup>5</sup> to Wormald he represents a 'vexed question...who fits no pattern' so that 'that his "actions lacked consistency" is the best comment on him',<sup>6</sup> while to Lee considered the earl 'a charming and personally attractive ruffian, a lawless border gangster with a considerable veneer of culture...[who] craved power and influence in the state, with no responsibility, because it was his due'.<sup>7</sup>

Other tame adjectives which have described the earl have been, haughty,<sup>8</sup> insolent,<sup>9</sup> restless,<sup>10</sup> wild, wicked and witty,<sup>11</sup> crafty,<sup>12</sup> turbulent and dangerous,<sup>13</sup> and feckless and irresponsible.<sup>14</sup> While such phrases accurately depict aspects of Bothwell's life, they are at the moderate of the end of a spectrum which progresses through madcap,<sup>15</sup> violent,<sup>16</sup> turbulent and dangerous,<sup>17</sup> reckless,<sup>18</sup> fiery,<sup>19</sup> irresponsible and dissolute,<sup>20</sup> dangerous yet charismatic,<sup>21</sup> to

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<sup>5</sup> Donaldson, *James V to VII*, 190.

<sup>6</sup> Wormald, 'New men for old?', 72.

<sup>7</sup> Lee, *Great Britain's Solomon*, 73.

<sup>8</sup> Miller, *Lamp of Lothian*, 183.

<sup>9</sup> Dickinson & Duncan, *Scotland from Earliest Times to 1603*, 379.

<sup>10</sup> Anderson, *The Scottish Nation*, i, 357.

<sup>11</sup> Scott, *James I*, 196, 207; Lang, *James VI and the Gowrie Mystery*, 124; Brown, *Bloodfeud*, 24.

<sup>12</sup> Miller, *Lamp of Lothian*, 186.

<sup>13</sup> Elliot, *Border Elliots*, 152.

<sup>14</sup> Lee, *Great Britain's Solomon*, 76.

<sup>15</sup> Meikle, *et al* (edd.), *Works of William Fowler*, iii, p. xiv; Toynbee, M R, 'A newly discovered Stewart: fresh light on Francis, fifth earl of Bothwell', *Notes and Queries*, cxiii (Oxford, 1948), 206; Willson, *James VI & I*, 112; Ferguson, W, *Scotland's Relations with England: a Survey to 1707* (Edinburgh, 1977), 94; Cowan, E J, 'The royal witch-hunt', *The Story of Scotland* (Glasgow, 1988), 408.

<sup>16</sup> Brown, *Bloodfeud*, 24.

<sup>17</sup> Seton, G, *Memoir of Alexander Seton, Earl of Dunfermline* (Edinburgh, 1882), 115; Elliot, *Border Elliots*, 152.

<sup>18</sup> Stewart, J K, 'Francis Stewart, earl of Bothwell', *The Stewarts*, v (Stewart Society, 1929), 298.

<sup>19</sup> *ibid.*, 300. In a similar vein, Masson considered him 'a flaming figure', *RPC*, xiv, 273n.

<sup>20</sup> Roughead, *The Rebel Earl*, 124.

<sup>21</sup> Meikle, 'The invisible divide', 83.

derogatory statements such as manic and wicked,<sup>22</sup> unbalanced,<sup>23</sup> delinquent,<sup>24</sup> 'neurotic',<sup>25</sup> mad,<sup>26</sup> a torment,<sup>27</sup> unstable,<sup>28</sup> of unsound mind<sup>29</sup> and deranged.<sup>30</sup>

The second method of reproaching the earl is to consider his political actions and summarise them in a brief few words. The most popular adjective appears to be unprincipled,<sup>31</sup> although inconsistent,<sup>32</sup> unorthodox,<sup>33</sup> reckless,<sup>34</sup> irresponsible,<sup>35</sup> and 'maverick'<sup>36</sup> also have their place. Williamson, Bingham and Cherry all equate the fifth earl with a terrorist<sup>37</sup> and several authors consider him in terms of the words of Willson: 'fierce, profligate and lawless, spending his time in carousals, feuds and rebellions....super-natural power for mischief'<sup>38</sup> Dickson describes Bothwell as 'self-possessed',<sup>39</sup> although it must be suspected that no pun is intended.

While it must be recognised that to take phrases out of context leads to a coloured view, it is considerably less slanted than the view offered by the historians themselves. Equally, it must be recognised that to do the earl justice in a brief phrase is extremely difficult, however, there

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<sup>22</sup> Linklater, E, *The Royal House of Scotland* (London, 1970), 138.

<sup>23</sup> Tayler & Tayler (edd.), *The House of Forbes*, 122; Bingham, C, *The Stewart Kingdom of Scotland, 1371-1603* (London, 1974) 249; Bingham, C, *The Kings and Queens of Scotland* (London, 1976), 90; McElwee, *Wisest Fool*, 70.

<sup>24</sup> Bingham, *James VI*, 136.

<sup>25</sup> MacDougall, *James III*, 285.

<sup>26</sup> Linklater, *Royal House of Scotland*, 138; McElwee, *Wisest Fool*, 73.

<sup>27</sup> *CBP*, i, p. xiv.

<sup>28</sup> Bingham, *James VI*, 158; Stafford, H, 'Notes on Scottish witchcraft cases, 1590-91', *Essays in Honor of Conyers Reid*, ed. N Downs (Chicago, 1953), 114.

<sup>29</sup> Cherry, *Princes, Poets and Patrons*, 74.

<sup>30</sup> Bingham, *James VI*, 150.

<sup>31</sup> *LJC*, p. xxii; Chalmers, *Caledonia*, iii, 473; Martin, C, & Parker, G, *The Spanish Armada* (London, 1989), 246. Miller, *Lamp of Lothian*, 177; McElwee, *Wisest Fool*, 61, 72, 73.

<sup>32</sup> Wormald, 'New men for old?', 75.

<sup>33</sup> Brown, 'In search of the Godly magistrate', 577.

<sup>34</sup> Cameron (ed.), *Warrender Papers*, ii, 114-5.

<sup>35</sup> McElwee, *Wisest Fool*, 73.

<sup>36</sup> Mason, R, 'George Buchanan, James VI and the presbyterians', *Scots and Britons: Scottish Political Thought and the Union of 1603*, ed. R Mason (Cambridge, 1994), 134.

<sup>37</sup> Williamson, A, 'Number and national consciousness: the Edinburgh mathematicians and Scottish political culture at the union of the crowns', *Scots and Britons: Scottish Political Thought and the Union of 1603*, ed. R Mason (Cambridge, 1994), 210; Cherry, *Princes, Poets and Patrons*, 74; Bingham, *Stewart Kingdom*, 247.

<sup>38</sup> Willson, *James VI*, 100; Cherry, *Princes, Poets and Patrons*, 74.

<sup>39</sup> Dickson, J, *Crichtoun: Past and Present* (Edinburgh, 1911), 27.



exist some energetic statements which, perhaps, tell us more about the character of the author than anything about the fifth earl Bothwell: Masson, in the early twentieth century, considered 'the Hepburn blood in his veins so maddening still the Stewart blood it was mixed with, he was...to be the terror and torment of his cousin, James VI, and to play a part in Scottish history hardly less turbulent than that of his predecessor'.<sup>40</sup> Others have followed a similar tack and Bothwell had been called the 'quintessential aristocratic ruffian',<sup>41</sup> 'this miscreant earl committed a thousand treasons against his benefactor',<sup>42</sup> 'a dangerous joker among the Scottish court cards',<sup>43</sup> 'the great perturbator of James VI's reign',<sup>44</sup> 'antics...no more than a veneer for baronial gangsterism',<sup>45</sup> 'the haughty spirit of this Cataline of Scotland',<sup>46</sup> 'the stormy petrel of Scottish politics'<sup>47</sup> and an 'inconsistent spitfire'.<sup>48</sup> The last word on the subject can be left to McElwee, who considered that '[during] a final climax of feudal disorder...the centre stage was taken by Francis Stewart-Hepburn'.<sup>49</sup>

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<sup>40</sup> *RPC*, xiv, p. lxxii.

<sup>41</sup> Lee, *Government by Pen*, 8.

<sup>42</sup> Chalmers, *Caledonia*, iii, 411.

<sup>43</sup> Bingham, *James VI*, 132.

<sup>44</sup> Chalmers, *Caledonia*, iii, 453.

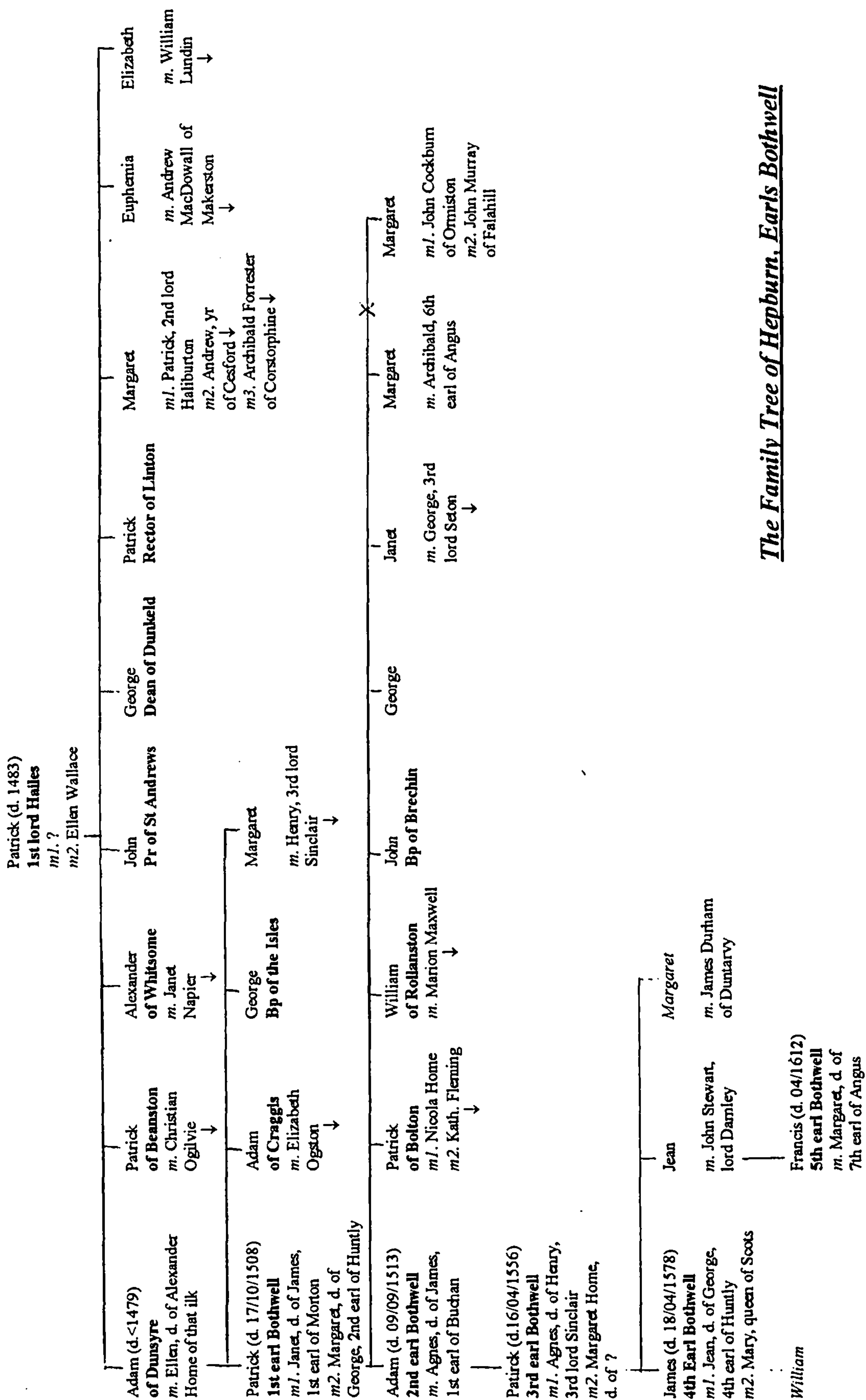
<sup>45</sup> Williamson, *Scottish National Consciousness*, 73.

<sup>46</sup> Miller, *Lamp of Lothian*, 187.

<sup>47</sup> Roughead, *The Rebel Earl*, 119; Gray & Jamieson, *Short History of Haddington*, 40; Meikle, *et al* (edd.), *Works of William Fowler*, iii, p. xxiv.

<sup>48</sup> Wormald, *Court, Kirk and Community*, 128.

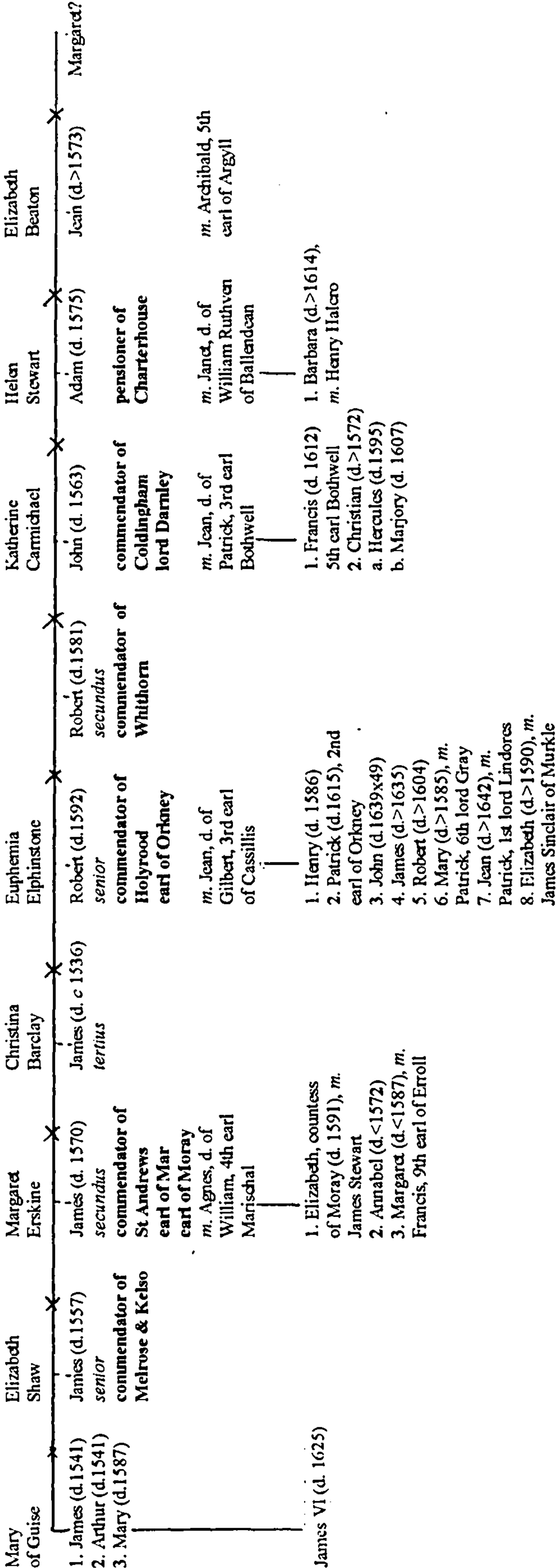
<sup>49</sup> McElwee, *Wisest Fool*, 70.



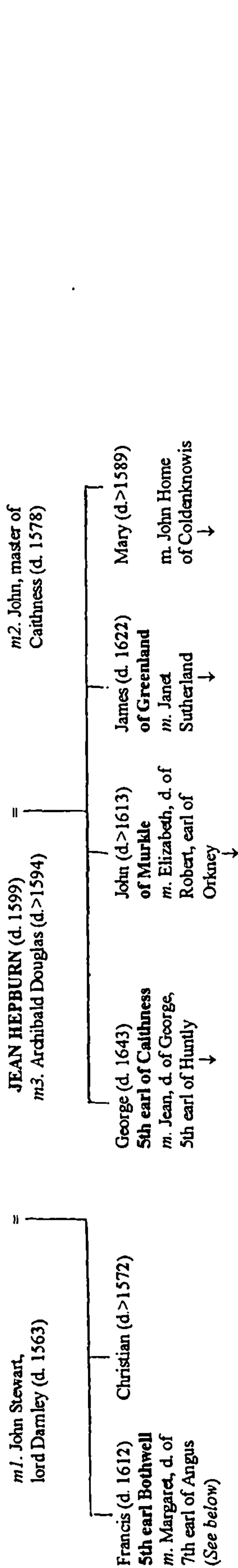
# The Family Tree of Hepburn, Earls Bothwell



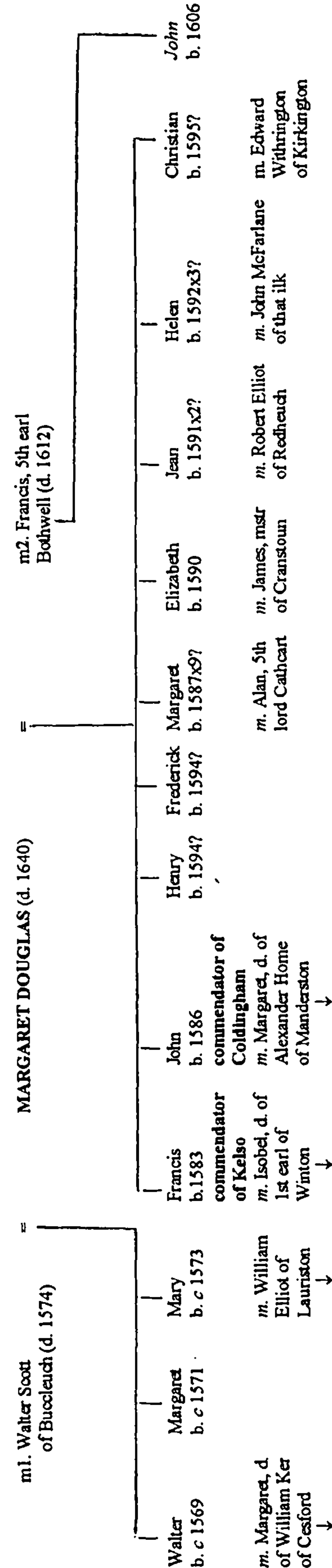
James V (d.1542)



The Descendants of James V



### The children of Jean Hepburn



### The children of Margaret Douglas



*Appendix 3: titles of Francis Stewart*

Below are listed some of the documents which denote the styles of Francis Stewart from his birth until his disgrace in 1591. For discussion of the style of 'earl Bothwell', see *Appendix 5*.

*Key:* 1 = earl Bothwell; 2 = lord Crichton; 3 = lord Hailes; 4 = lord of Liddesdale; 5 = great admiral of Scotland; 6 = commendator of Kelso; 7 = commendator of Coldingham; 8 = commendator of Lesmahagow.

		1	2	3	4	5	6	7	8	other style
6 March	1564 <sup>1</sup>									lord Darnley
26 February	1565 <sup>2</sup>									lord of Badenoch
19 March	1565 <sup>3</sup>									lord of Badenoch
26 May	1566 <sup>4</sup>							✓		
2 June	1567 <sup>5</sup>						✓			
2 July	1567 <sup>6</sup>							✓		
10 January	1568 <sup>7</sup>						✓			
8 September	1569 <sup>8</sup>						✓			
15 September	1569 <sup>9</sup>						✓			
10 December	1569 <sup>10</sup>						✓			
2 June	1570 <sup>11</sup>						✓			
23 January	1571 <sup>12</sup>						✓			
18 August	1571 <sup>13</sup>						✓			
30 January	1572 <sup>14</sup>						✓			
29 June	1572 <sup>15</sup>						✓			
28 October	1573 <sup>16</sup>						✓			
10 June	1574 <sup>17</sup>						✓			
14 February	1575 <sup>18</sup>		✓	✓			✓			
26 February	1575 <sup>19</sup>		✓	✓			✓			
31 March	1576 <sup>20</sup>						✓			

<sup>1</sup> *RSS*, v, nos 1630, 1631.

<sup>2</sup> *ibid.*, no 1932.

<sup>3</sup> *ibid.*, no 1971.

<sup>4</sup> *TA*, xi, 502.

<sup>5</sup> *SRO*, GD86/212.

<sup>6</sup> *RMS*, iv, 1765.

<sup>7</sup> *RSS*, vi, nos 97, 98.

<sup>8</sup> *SRO*, RH6/2160.

<sup>9</sup> *SRO*, GD105/132.

<sup>10</sup> *RMS*, iv, no 1905.

<sup>11</sup> *SRO*, GD86/226.

<sup>12</sup> *Laing Charters*, no 857; *RMS*, iv, no 1966.

<sup>13</sup> *RSS*, vi, 1239.

<sup>14</sup> *Laing Charters*, no 868.

<sup>15</sup> *ibid.*, no 875.

<sup>16</sup> *SRO*, PS1/41, f. 114.

<sup>17</sup> *SRO*, PS1/42, f. 48.

<sup>18</sup> *SRO*, RD1/14/11.

<sup>19</sup> *SRO*, PS1/42, f. 115.

<sup>20</sup> *RMS*, iv, 2652.

		1	2	3	4	5	6	7	8	other style
10 May	1576 <sup>21</sup>						✓			
30 May	1576 <sup>22</sup>						✓			
31 August	1577 <sup>23</sup>						✓			
31 October	1577 <sup>24</sup>			✓						
20 November	1577 <sup>25</sup>			✓						
9 December	1577 <sup>26</sup>						✓			
5 January	1578 <sup>27</sup>						✓			
3 March	1578 <sup>28</sup>						✓			
22 May	1578 <sup>29</sup>	✓	✓	✓						patron of Morham kirk
30 June	1578 <sup>30</sup>	✓	✓	✓						
20 August	1578 <sup>31</sup>	✓	✓	✓			✓			
1 September	1578 <sup>32</sup>	✓	✓	✓	✓					
	1578x9 <sup>33</sup>	✓	✓	✓						
26 March	1579 <sup>34</sup>	✓	✓	✓	✓					
14 April	1579 <sup>35</sup>	✓	✓	✓	✓					
6 June	1579 <sup>36</sup>						✓			
	c 1580 <sup>37</sup>	✓	✓	✓	✓	✓				patron of Bothwell kirk
16 June	1581 <sup>38</sup>						✓			
8 October	1582 <sup>39</sup>	✓	✓	✓		✓				
11 March	1583 <sup>40</sup>	✓	✓				✓			
30 May	1583 <sup>41</sup>	✓								
18 October	1583 <sup>42</sup>	✓				✓	✓			
28 December	1583 <sup>43</sup>	✓	✓	✓		✓	✓			
13 January	1584 <sup>44</sup>	✓					✓			
17 February	1584 <sup>45</sup>	✓	✓	✓		✓			✓	sheriff of Haddington
1 March	1584 <sup>46</sup>	✓	✓	✓		✓				feuar of Kelso

<sup>21</sup> *Laing Charters*, no 934.

<sup>22</sup> *RMS*, v, no 229.

<sup>23</sup> *RSS*, vii, no 1162.

<sup>24</sup> *SRO*, GD1/497/2.

<sup>25</sup> *RSS*, vii, no 1888.

<sup>26</sup> *ibid.*, no 1322.

<sup>27</sup> *ibid.*, no 1383.

<sup>28</sup> *ibid.*, no 1516.

<sup>29</sup> *RMS*, v, no 981.

<sup>30</sup> *SRO*, PS1/45, f. 113.

<sup>31</sup> *SRO*, PS1/46, f. 3.

<sup>32</sup> *SRO*, RH6/2488.

<sup>33</sup> *SRO*, RH6/2516.

<sup>34</sup> *SRO*, RH6/2506.

<sup>35</sup> *SRO*, RH6/2510.

<sup>36</sup> *SRO*, PS1/46, f. 31.

<sup>37</sup> *SRO*, RH6/2578.

<sup>38</sup> *RMS*, v, no 218.

<sup>39</sup> *SRO*, SC40/7/3, 84.

<sup>40</sup> *SRO*, GD105/133.

<sup>41</sup> *SRO*, GD1/413/24/1.

<sup>42</sup> *SRO*, RD1/53/39.

<sup>43</sup> *SRO*, PS1/50, f. 29.

<sup>44</sup> *SRO*, CS1/3/2, 212.

<sup>45</sup> *SRO*, SC40/7/3, 113.

<sup>46</sup> *SRO*, GD1/811/12; RH6/2713; NRA(S) 5, 90.



		1	2	3	4	5	6	7	8	other style
20 April	1584 <sup>47</sup>	✓	✓	✓			✓			
30 June	1584 <sup>48</sup>	✓	✓	✓		✓				patron of Oldhamstocks kirk
7 August	1584 <sup>49</sup>	✓	✓	✓			✓			
14 October	1584 <sup>50</sup>	✓	✓	✓		✓	✓			feuar of Morham
3 November	1584 <sup>51</sup>	✓								
28 November	1584 <sup>52</sup>	✓	✓	✓		✓				
30 April	1585 <sup>53</sup>	✓	✓	✓		✓				feuar of Kelso
27 May	1585 <sup>54</sup>	✓	✓	✓		✓	✓			
1 July	1585 <sup>55</sup>	✓	✓	✓		✓	✓			
30 July	1585 <sup>56</sup>	✓				✓	✓		✓	
29 November	1585 <sup>57</sup>	✓	✓	✓						
30 November	1585 <sup>58</sup>	✓	✓	✓		✓				
6 December	1585 <sup>59</sup>	✓	✓	✓		✓	✓			
13 December	1585 <sup>60</sup>	✓	✓	✓			✓			
8 January	1586 <sup>61</sup>	✓	✓	✓	✓	✓	✓			
9 February	1586 <sup>62</sup>						✓			
10 February	1586 <sup>63</sup>						✓			
20 February	1586 <sup>64</sup>	✓	✓	✓			✓			
25 February	1586 <sup>65</sup>	✓		✓		✓	✓			
18 March	1586 <sup>66</sup>	✓	✓	✓		✓				see footnote
24 March	1586 <sup>67</sup>	✓	✓	✓		✓	✓			
14 April	1586 <sup>68</sup>	✓								
15 April	1586 <sup>69</sup>	✓	✓	✓		✓				
19 April	1586 <sup>70</sup>	✓								
23 April	1586 <sup>71</sup>	✓	✓	✓			✓			

<sup>47</sup> SRO, PS1/53, f. 182.

<sup>48</sup> SRO, GD90/1/199.

<sup>49</sup> SRO, PS1/53, f. 75.

<sup>50</sup> RMS, v, no 1859; SRO, RH6/2755.

<sup>51</sup> SRO, GD1/413/24.

<sup>52</sup> SRO, RD1/31/75.

<sup>53</sup> SRO, GD1/811/10.

<sup>54</sup> SRO, PS1/52, f. 132.

<sup>55</sup> RMS, v, no 906.

<sup>56</sup> SRO, GD124/8/216.

<sup>57</sup> SRO, PS1/53, f. 80.

<sup>58</sup> SRO, PS1/53, f. 81.

<sup>59</sup> SRO, PS1/53, f. 70.

<sup>60</sup> SRO, PS1/53, f. 75.

<sup>61</sup> SRO, PS1/53, f. 79.

<sup>62</sup> SRO, PS1/53, f. 101.

<sup>63</sup> *Laing Charters*, no 1109.

<sup>64</sup> SRO, PS1/53, f. 109.

<sup>65</sup> SRO, RD1/23/88.

<sup>66</sup> SRO, PS1/53, f. 139. Also styled sheriff of Edinburgh, principal, sheriff of Edinburgh within the constabulary of Haddington, sheriff of Berwick and bailie of Lauderdale.

<sup>67</sup> SRO, RD1/23/124

<sup>68</sup> SRO, GD1/413/24

<sup>69</sup> SRO, PS1/53, f. 161.

<sup>70</sup> SRO, GD1/413/24

<sup>71</sup> SRO, PS1/53, f. 182.

		1	2	3	4	5	6	7	8	other style
29 June	1586 <sup>72</sup>	✓		✓			✓			
29 June	1586 <sup>73</sup>	✓								
10 August	1586 <sup>74</sup>	✓	✓	✓	✓	✓				
10 October	1586 <sup>75</sup>	✓	✓	✓	✓	✓				
29 October	1586 <sup>76</sup>	✓	✓	✓						
14 December	1586 <sup>77</sup>	✓								
12 March	1587 <sup>78</sup>	✓	✓	✓						
20 March	1587 <sup>79</sup>	✓		✓		✓				
28 April	1587 <sup>80</sup>	✓								
2 June	1587 <sup>81</sup>	✓	✓	✓	✓	✓				
24 July	1587 <sup>82</sup>	✓	✓	✓	✓					
24 July	1587 <sup>83</sup>	✓	✓	✓	✓					
29 July	1587 <sup>84</sup>	✓	✓	✓	✓	✓				
17 Septcmber	1587 <sup>85</sup>	✓	✓	✓	✓					
10 December	1587 <sup>86</sup>	✓	✓	✓	✓	✓				
17 March	1588 <sup>87</sup>	✓	✓	✓	✓	✓				
12 November	1588 <sup>88</sup>	✓	✓	✓						
27 November	1588 <sup>89</sup>	✓	✓	✓	✓	✓				
28 November	1588 <sup>90</sup>	✓	✓	✓	✓	✓				
7 December	1588 <sup>91</sup>	✓	✓	✓	✓	✓				
13 December	1588 <sup>92</sup>	✓	✓	✓	✓	✓				
20 February	1589 <sup>93</sup>	✓					✓			
1 April	1589 <sup>94</sup>	✓	✓	✓						
8 May	1589 <sup>95</sup>	✓	✓	✓	✓	✓				patron of Bothwell kirk
20 May	1589 <sup>96</sup>	✓	✓	✓	✓	✓				
20 May	1589 <sup>97</sup>	✓	✓	✓	✓	✓				

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<sup>72</sup> SRO, PS1/54, f.41.

<sup>73</sup> SRO, GD1/413/24.

<sup>74</sup> NLS, MS 9931.

<sup>75</sup> NLS, MS 6111.

<sup>76</sup> RMS, v, no 1878.

<sup>77</sup> SRO, PS1/54, f. 151.

<sup>78</sup> SRO, RD1/26/306.

<sup>79</sup> RMS, v, no 1172.

<sup>80</sup> SRO, GD1/413/24.

<sup>81</sup> RMS, v, no 2126.

<sup>82</sup> *ibid.*, no 1516.

<sup>83</sup> SRO, RD1/28/62.

<sup>84</sup> RMS, v, no 1316.

<sup>85</sup> SRO, RD1/31/51.

<sup>86</sup> SRO, RD1/36/271.

<sup>87</sup> SRO, RD1/31/423.

<sup>88</sup> SRO, RH6/3117.

<sup>89</sup> RMS, v, no 1597.

<sup>90</sup> SRO, RD1/31/137.

<sup>91</sup> SRO, GD105/135.

<sup>92</sup> SRO, RD1/31/168.

<sup>93</sup> SRO, RD1/34/103.

<sup>94</sup> RMS, v, no 1650.

<sup>95</sup> SRO, RH6/3004.

<sup>96</sup> SRO, RH6/3008.

<sup>97</sup> SRO, RH6/3009.



		1	2	3	4	5	6	7	8	other style
14 July	1589 <sup>98</sup>	✓	✓	✓	✓	✓				
16 October	1589 <sup>99</sup>	✓	✓	✓	✓	✓				
20 November	1589 <sup>100</sup>	✓	✓	✓	✓	✓				
30 November	1589 <sup>101</sup>	✓	✓	✓	✓					
16 January	1590 <sup>102</sup>	✓	✓	✓	✓	✓				
31 March	1590 <sup>103</sup>	✓	✓	✓	✓	✓				patron of Dunbar kirk
11 May	1590 <sup>104</sup>	✓	✓	✓	✓	✓				
18 May	1590 <sup>105</sup>						✓			
25 June	1590 <sup>106</sup>	✓	✓	✓	✓	✓				
13 July	1590 <sup>107</sup>	✓	✓	✓						
10 August	1590 <sup>108</sup>	✓					✓	✓		
14 September	1590 <sup>109</sup>	✓	✓	✓		✓				
30 January	1591 <sup>110</sup>	✓	✓	✓	✓	✓				
1 February	1591 <sup>111</sup>	✓	✓	✓	✓	✓				
16 February	1591 <sup>112</sup>	✓								
5 March	1591 <sup>113</sup>	✓								
2 August	1591 <sup>114</sup>	✓								

<sup>98</sup> SRO, RH6/3014.  
<sup>99</sup> SRO, PS1/60, f. 65.  
<sup>100</sup> RMS, v, no 1715.  
<sup>101</sup> *ibid.*, no 1716.  
<sup>102</sup> *ibid.*, no 1720  
<sup>103</sup> SRO, GD224/887/19/2.  
<sup>104</sup> RMS, v, no 1732.  
<sup>105</sup> SRO, RH6/3060.  
<sup>106</sup> SRO, RH6/3123.  
<sup>107</sup> SRO, PS1/61, f. 14  
<sup>108</sup> SRO, GD30/941.  
<sup>109</sup> SRO, RD1/35/114.  
<sup>110</sup> RMS, v, no 1880  
<sup>111</sup> *ibid.*, no 2168  
<sup>112</sup> *ibid.*, no 1824.  
<sup>113</sup> *ibid.*, no 1837.  
<sup>114</sup> SRO, RH6/3132.

### *Appendix 4: landholdings*

The landholdings of the earls Bothwell are complicated by mortgages, sales and transfers of ownership. Below is a basic list of the landholdings of the fifth earl (or lands he could lay claim to). The main holdings are capitalised; subsidiary holdings or lesser parts of the main holding are indented and italicised in lower case. In general, the basic re-grants of the earldom to each earl (detailing the specific lands held) are not included in the chronology but are included in the footnotes.

- Key:* i. the list is separated into the earldom, constituent lordships, baronies, other lands, offices and ecclesiastical patronages. Where the principal landholding has been divided, the sub-divisions are listed below, indented from the left margin.  
 ii. where there are sub-divisions, all relevant charters which are duplicate of the charters of the principal landholding are not repeated in the chronology but are included in the footnote.

#### **EARLDOM OF BOTHWELL** [created October 1488]<sup>1</sup>

25 March 1558	charter of entail by James, earl Bothwell, to William Hepburn, brother of Patrick Hepburn of Waughton and others
28 March 1558	reversion of earldom by William Hepburn, brother of Patrick Hepburn of Waughton

### **LORDSHIPS**

#### **LANDS AND LORDSHIP OF BOTHWELL<sup>2</sup>**

(Lanarkshire)

see also *Appendix 5*

Previously held by :		<b>John Ramsay, lord Bothwell</b>
13 October	1488	part of the earldom of Bothwell in the grant of earldom
12 September	1498	following the king's revocation, grant to first earl of the lands and lordship of Bothwell
27 August	1511	in grant of earldom to second earl
10 January	1568	in grant to Francis Stewart
16 June	1581	in grant of earldom to fifth earl
29 July	1587	in <i>de novo</i> grant of earldom to fifth earl
Subsequently held by:		<b>Ludovick, duke of Lennox</b> (from 26 June 1591) <b>Walter Scott of Braxholm and Buccleuch</b> (from 4 October 1594)

<sup>1</sup> 'Letters of Agnes, countess of Bothwell', *Bannatyne Miscellany*, iii, 293-302.

<sup>2</sup> NLS, MS14542, f.118r; *RMS*, ii, 479, 1784, 2452, 3635; v, nos 218, 1316, 1888; *RSS*, vi, no 97.



LANDS AND LORDSHIP OF CRICHTON<sup>3</sup>

(Edinburghshire)

Previously held by : lords Crichton

13 October	1488	part of the earldom of Bothwell in the grant of earldom
27 August	1511	in grant of earldom to second earl
28 August	1511	grant to Agnes Stewart, daughter of deceased James, earl of Buchan, of the lands, lordship and barony of Crichton with its pertinents in liferent
18 February	1566	granted in liferent to Jane Gordon, countess of Bothwell (held until 1629)
10 January	1568	in grant to Francis Stewart
16 June	1581	in grant of earldom to fifth earl
29 July	1587	in <i>de novo</i> grant of earldom to fifth earl

Subsequently held by: Ludovick, duke of Lennox (from 26 June 1591)  
 Walter Scott of Branhholm and Buccleuch (from 4 October 1594)

*Lands of Borthwick*<sup>4</sup>

18 February	1566	granted in liferent to Jane Gordon, countess of Bothwell (held until 1629)
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*Lands of Castlehill*<sup>5</sup>

14 August	1558	mails granted to four Konisburg merchants as part of £240 annual
3 February	1569	non-entry of lands granted to Francis Stewart following the decease of merchants of Konisburg in Prussia until the entry of their heirs

*Lands of Easter Crichton*<sup>6</sup>

14 August	1558	mails granted to four Konisburg merchants as part of £240 annual
3 February	1569	non-entry granted to Francis Stewart following the decease of German merchants
9 February	1594	tack to David Edmonston of Restalrig of lands

*Lands of Ford (with mill)*<sup>7</sup>

13 October	1488	distinct part of the earldom of Bothwell in the grant of earldom
12 September	1498	in regrant to first earl
3 September	1563	reversion by Agnes, lady Morham, to fourth earl of the corn mill of Ford for £666 13s 4d and three years tacks after loosing
22 February	1564	reversion by James Hepburn (no further details)
20 January	1568	grant to James Hepburn of Rollandston and Jane Oliphant, his spouse, of lands previously held of fourth earl
30 July	1601	charter of lands to Elizabeth Hepburn
10 August	1616	charter of lands to John Stewart of Ardmoleis

*Lands of Hackbra*<sup>8</sup>

31 July	1538	granted to third earl following a resignation by Robert, lord Maxwell, and Agnes Stewart, countess of Bothwell, his spouse
14 August	1558	mails granted to four Konisburg merchants as part of £240 annual

<sup>3</sup> NLS, MS14542, f.118r; RMS, ii, 1784, 3635, 3637; v, nos 218, 1316, 1878, 1888; vi, no 166; RSS, v, no 2641; vi, no 97; Fraser (ed.), *The Sutherland Book*, i, 167.

<sup>4</sup> RSS, v, no 2641; Fraser (ed.), *The Sutherland Book*, i, 167.

<sup>5</sup> RSS, vi, no 516; Angus (ed.), *Protocol Book of Gilbert Grote*, no 168.

<sup>6</sup> NLS, MS3245, 17-18; RSS, vi, no 516; Angus (ed.), *Protocol Book of Gilbert Grote*, no 168.

<sup>7</sup> NLS, MS3245, 166-71, 262-5; RMS, ii, nos 1784, 2452; RSS, vi, no 122; HMC, *Home of Wedderburn*, 43 [1563 document dated as 1562]; 'Letters of Agnes, countess of Bothwell', *Bannatyne Miscellany*, iii, 305-6.

<sup>8</sup> RMS, iii, no 1814; RSS, ii, no 2663; vi, no 516; Angus (ed.), *Protocol Book of Gilbert Grote*, no 168.

3 February 1569 non-entry granted to Francis Stewart following the decease of German merchants

***Lands of Little Lochquarriot*<sup>9</sup>**

31 July 1538 granted to third earl following a resignation by Robert, lord Maxwell, and Agnes Stewart, countess of Bothwell, his spouse

***Lands of Lochquarriot*<sup>10</sup>**

14 August 1558 mails granted to four Konisburg merchants as part of £240 annual  
 18 February 1566 granted in liferent to Jane Gordon, countess of Bothwell (held until 1629)  
 10 January 1568 in grant to Francis Stewart  
 03 February 1569 non-entry granted to Francis Stewart following the decease of German merchants  
 27 February 1591 confirmation to William, lord Hay of Yester of lands and barony of Lochquarriot with pertinents  
 29 May 1591 grant by William, lord Hay of Yester, to James Hay, his brother, of the lands and barony of Lochquarriot

***Lands of Park*<sup>11</sup>**

31 July 1538 granted to third earl following a resignation by Robert, lord Maxwell, and Agnes Stewart, countess of Bothwell, his spouse

***Lands of Thorniedykes*<sup>12</sup>**

6 April 1557 7/8 of Thorniedykes (occupied by James Logan) which fourth earl had sold to Thomas Lumsden of Airdrie for £320 acquired by David Lumsden  
 17 October 1562 reversion by James Barron to fourth earl of the lands of Thorniedykes for £2,933 6s 8d  
 18 February 1566 granted in liferent to Jane Gordon, countess of Bothwell (held until 1629)

***Lands of Sauchnell*<sup>13</sup>**

13 October 1488 distinct part of the earldom of Bothwell in the grant of earldom  
 14 August 1558 mails granted to four Konisburg merchants as part of £240 annual  
 03 February 1569 non-entry granted to Francis Stewart following the decease of German merchants  
 29 October 1586 grant of charter of sale by virtue of a contract by fifth earl, with the consent of Margaret Douglas, his spouse, to Mr Thomas Gilbert, advocate, and Christine Henryson, his spouse, of the lands and vills of Sauchnell; for good service of Michael Gilbert, goldsmith in Edinburgh, son and heir of the said Thomas, the reddendo and lands are quitclaimed; confirmation dated 10 June 1591

***Lands (and then) of Vogrie with Cukehill [also known as 'Kirkland']*<sup>14</sup>**

13 October 1488 part of the earldom of Bothwell in the grant of earldom  
 20 May 1557 grant to Robert Carnegie of Kinnaird of two-third parts of Vogrie for £1,000  
 5 September 1562 reversion by David Kintore to fourth earl of the lands of Vogrie of an

<sup>9</sup> RMS, iii, no 1814; RSS, ii, no 2663.

<sup>10</sup> RMS, v, 1830, 1872; RSS, v, no 2641; vi, nos 97, 516; Fraser (ed.), *The Sutherland Book*, i, 167; Angus (ed.), *Protocol Book of Gilbert Grote*, no 168.

<sup>11</sup> RMS, iii, no 1814; RSS, ii, no 2663.

<sup>12</sup> RSS, v, no 106; vi, no 97; RMS, iv, no 1503; HMC, *Home of Wedderburn*, 43; 'Letters of Agnes, countess of Bothwell', *Bannatyne Miscellany*, iii, 305; Fraser (ed.), *Sutherland Book*, i, 167.

<sup>13</sup> RMS, ii, no 1784; v, no 1878; RSS, vi, no 516.

<sup>14</sup> RMS, ii, no 1784; v, no 1516, 1737, 1756; RSS, v, nos 129, 130, 1695, 2641; 'Letters of Agnes, countess of Bothwell', *Bannatyne Miscellany*, iii, 306; Fraser (ed.), *The Sutherland Book*, i, 167.



		annualrent of £45 for £450 <sup>15</sup>
13 May	1564	regress to fourth earl by Robert Carnegie of Kinnaird
18 February	1566	granted in liferent to Jane Gordon, countess of Bothwell (held until 1629)
9 December	1572	charter of sale by John Carnegie of Kinnaird to John Lumsden of Blanerne and Janet Udward, his spouse, of the lands and vills of Vogrie and Cukehill for £1,783 6s 8d
3 June	1590	confirmation of charter of sale by Carnegie of Kinnaird (1572)
6 December	1590	charter of sale by John Lumsden of Blanerne, with the consent of Janet Udward, his spouse, and David and Robert, his sons, to Mr Samuel Cockburn of Templehall and Elizabeth Douglas, his spouse, of the lands and vills of Vogrie and Cukehill for £1,783 6s 8d; reddendo: 1d blench ferme
18 July	1591	confirmation of charter of sale by Lumsden of Blanerne (1589) <sup>16</sup>

#### *Lands of Wester Crichton*<sup>17</sup>

14 August	1558	mails granted to four Konigsburg merchants as part of £240 annual
3 February	1569	non-entry granted to Francis Stewart following the decease of German merchants

### LANDS AND LORDSHIP OF HAILES<sup>18</sup>

(Haddingtonshire)

Previously held by : earls of March [*tenant*: Hugh Gourlay of Beanston]

	c 1343	confirmation of grant by earl of March to Adam Hepburn
20 December	1451	part of the barony of Hailes in the grant of lordship
27 August	1511	in grant of earldom to second earl
10 January	1568	in grant to Francis Stewart
16 June	1581	in grant of earldom to fifth earl
29 July	1587	in <i>de novo</i> grant of earldom to fifth earl

Subsequently held by: Ludovick, duke of Lennox (from 26 June 1591)  
Walter Scott of Branhholm and Buccleuch (from 4 October 1594)

#### *Lands of Beanston*<sup>19</sup>

20 July	1456	grant to James Thomson in North Hailes of one cotland
1 April	1538	letters under quarter seal to infest George, lord Home, in two husband-lands
17 March	1598	confirmation to Patrick Hepburn of Beanston of lands
14 February	1600	tack of lands by Edward Hepburn to Patrick Hepburn

#### *Lands of Bellsmure & Lochslair*<sup>20</sup>

1 August	1561	confirmation of a charter of feu ferme by deceased Walter Robertson, <i>alias</i> Downie, priest of the altar of St Michael the Archangel in the chapel in the castle of Hailes, with the consent of fourth earl, patron of the said chapel, to Patrick Hepburn of Kirklandhill of £1 10s lands of Bellsmure
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<sup>15</sup> This is the same as the reversion noted in the papers of Home of Wedderburn dated 5 September 1561 to David Hunter, HMC, *Home of Wedderburn*, 43.

<sup>16</sup> Original charter dated 6 December 1590 and original confirmation dated 18 July 1590 - one must be misdated.

<sup>17</sup> RSS, vi, no 516; Angus (ed.), *Protocol Book of Gilbert Grote*, no 168.

<sup>18</sup> NLS, MS14542, f.118r; RMS, i, app. 1, no 117; app. 2, nos 854, 855; ii, 513, 3635; v, nos 218, 1316, 1888; vi, no 166; RSS, vi, no 97.

<sup>19</sup> NLS, MS3245, 27-32, 113-132; HMC, *Twelfth Report*, app. viii, 143; *Laing Charters*, no 140.

<sup>20</sup> RMS, v, no 759.

and £1 6s 8d lands of Lochslait

**Lands of Bowerhouse** [two ploughgates in the ~~town~~ of Whittingham]<sup>21</sup>

20 December	1451	part of the barony of Hailes in the grant of lordship
27 August	1511	described as <i>chaplainry of Broomhouse</i> in grant to second earl
10 January	1568	described as <i>chaplainry of Broomhouse</i> in grant to Francis Stewart
16 June	1581	described as <i>chaplainry of Broomhouse</i> in grant of earldom to fifth earl

**Lands of Gammilshiels (with mill)**<sup>22</sup>

20 December	1451	distinct part of the barony of Hailes in the grant of lordship
23 March	1568	lands split between the six female heirs of John Forrester of Gammilshiels (one of whom was married to Alexander Home)
20 April	1581	charter to George Home of Gammilshiels, son of Alexander Home, of the lands, then held by the king

**Lands of Gourlaybanks** [an oxgate in Linton]<sup>23</sup>

20 July	1456	granted to James Thomson in North Hailes
17 May	1575	teinds of lands to pay part of pension of John Edington in Coldingham as it had previously paid Alexander Forrest, parson of Logy Montrose
7 April	1599	charter to George Thomson of Gourlaybanks of various lands

**Hailes Mill**<sup>24</sup>

1 August	1561	charter of feu ferme by deceased Walter Robertson, <i>alias</i> Downie, priest of the altar of St Michael the Archangel in the chapel in the castle of Hailes, with the consent of fourth earl, patron of the said chapel, to Patrick Hepburn of Kirklandhill of the Waulkmill of Hailes, with £4 worth of mill lands; confirmation dated 17 November 1584
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**Lands of Half-Houston**<sup>25</sup>

17 May	1575	teinds of lands to pay part of pension of John Edington in Coldingham as it had previously paid Alexander Forrest, parson of Logy Montrose
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**Lands of Hauchside**<sup>26</sup>

20 December	1451	distinct part of the barony of Hailes in the grant of lordship
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**Lands of Hill** [in Linton]<sup>27</sup>

	<1548	held by John Learmonth
22 December	1548	sasine to William Learmonth
29 November	1564	<i>clare constat</i> to Margaret Learmonth and Katherine Learmonth, legitimate daughters of William Learmonth
1 December	1564	<i>clare constat</i> to John Learmonth in Whitekirk all and whole of the lands of Hill
12 September	1570	grant to James, earl of Morton, of lands of Hill previously pertaining to John Learmonth of Hill, previously held of fourth earl (with the marriage of William Learmonth, apparent of Hill)
14 June	1579	grant to Adam Hepburn of Smeaton of the escheat of lands of John

<sup>21</sup> RMS, ii, nos 513, 3635.

<sup>22</sup> *ibid.*, no 513; RSS, vi, no 203; viii, nos 226.

<sup>23</sup> NLS, MS3245, 32-4; RSS, vii, nos 187, 827; *Laing Charters*, no 140.

<sup>24</sup> RMS, v, no 759.

<sup>25</sup> RSS, vii, nos 187, 827.

<sup>26</sup> RMS, ii, no 513.

<sup>27</sup> RSS, vi, no 899; vii, no 1932; 'Letters of Agnes, countess of Bothwell', *Bannatyne Miscellany*, iii, 290-1, 302-4.



Swinton in Haddington following action by him against Eupheme Lamb, relict of John Learmonth in Hill, and William Learmonth, her son, for removing from third part of the lands of Hill

***Lands of Linton***<sup>28</sup>

12 July	1537	six acres called 'Smithy lands' and another four acres granted to William Brown, tutor of Brown of Colstoun (other landowners were Waughton on east and south, Archibald Hog on the west and the public road on the north
5 February	1568	grant to Adam Nicholson in Hailes of six acres called 'Smithy lands' in Linton and another four acres in Linton, held of fourth earl
17 July	1599	charter to John Hog of Drylaws of 'Crossflat' in Linton

***Lands of Nether Hailes***<sup>29</sup>

11 June	1566	granted in liferent to Jane Gordon, countess of Bothwell (held until 1629)
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***Lands of Over (North) Hailes***<sup>30</sup>

20 July	1456	removed from James Thomson in North Hailes in return for lands in Beanston, Gourlaybank and Sheriffleys
1 August	1561	confirmation of a charter of feu ferme by deceased Walter Robertson, <i>alias</i> Downie, priest of the altar of St Michael the Archangel in the chapel in the castle of Hailes, with the consent of fourth earl, patron of the said chapel, to Patrick Hepburn of Kirklandhill of 15 gerslands in Over Hailes for pasturing animals
7 April	1599	grant to George Thomson of Gourlaybanks of various lands

***Lands of Sheriffleys*** [in North Hailes]<sup>31</sup>

20 July	1456	granted to James Thomson in North Hailes
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***Lands of Whinkerstanes***<sup>32</sup>

20 December	1451	part of the barony of Hailes in the grant of lordship
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***Lands of Wormsleugh***<sup>33</sup>

20 December	1451	part of the barony of Hailes in the grant of lordship
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**Lordship of Markle**<sup>34</sup>

(Haddingtonshire)

Previously held by : **earls of March** [*tenant*: John Hepburn]

27 August	1511	only the <i>church of Markle</i> in grants of earldom to second earl (similar style in later grants to fifth earl and duke of Lennox); ten acres part of terce of Agnes Sinclair, countess of Bothwell
7 October	1532	grant to Janet Rutherford of lands of Fermington due to debts occurred

<sup>28</sup> NLS, MS3245, 79-89; RSS, vi, no 148; 'Letters of Agnes, countess of Bothwell', *Bannatyne Miscellany*, iii, 286.

<sup>29</sup> RSS, v, no 2895.

<sup>30</sup> NLS, MS3245, 32-4; RMS, v, no 759; *Laing Charters*, no 140.

<sup>31</sup> *Laing Charters*, no 140.

<sup>32</sup>

<sup>33</sup>

<sup>34</sup> NLS, MS3245, 141-4, MS14542, f.118r; RMS, i, no 159; ii, 513, 3635; iii, 1228, 2038; v, nos 218, 1316, 1516, 1888; HMC, *Home of Wedderburn*, 43; 'Letters of Agnes, countess of Bothwell', *Bannatyne Miscellany*, iii, 284-6, 305; Nisbet, *System of Heraldry*, i, 163. Described as a lordship in early charters but, by the time of the fifth earl, merely part of the lordship of Hailes.

11 October	1539	from lands of Markle grant (from Aberdeen) by third earl to John Carkettle of Finglen and Mariot Hepburn, his spouse, in liferent, and John Carkettle, his son, of eighteen husbandlands in the lands and vill of Markle (two husbandlands occupied by William Brown, two by William Downie, two by Alexander White, two by William Harlaw, two by William Learmonth, two by William Hog, two by Alexander Watson, two by William Dunnikeir, one by Richard Beir and one by John Dudgeon); confirmation, 6 November 1539
8 November	1543	resigned to third earl
14 December	1561	reversion by John Carkettle, Marion Hepburn, his spouse, and John Carkettle, his son, to Patrick, earl Bothwell, of eighteen husbandlands of Markle for £3,000 and thirteen years tacks after the loosing; renewed to fourth earl
27 October	1587	confirmation of charter of sale by fifth earl, with the consent of Margaret Douglas, his spouse, in implementation of contract between the earl (with Mr George Lauder of Bass, sir John Gordon of Lochinvar, Henry Hepburn of [West]fortune, Mr Samuel Cockburn of Templehall, David Collace of Auchinfarslie, Mr James Durham of Duntarvy, Mr Robert Hepburn, cautioners) and Mr Thomas Craig, advocate, and Helen Heriot, his spouse, and registered in the books of the lords of council of 24 July 1587, to sir John Maitland of Thirlestane, chancellor and secretary, and Jean Fleming, his spouse (who have received the translation of the said contract) an annual of ten chalders of victual (half wheat; half oats) from ten husbandlands of Markle and Markle meadow and two husbandlands of Traprain (occupied by James Witlands); 120 bolls from Markle, twenty-four bolls from Traprain and sixteen bolls from Markle meadow (failing that, from Northfield in Coldingham); confirmation, 8 April 1588
20 March	1600	charter of lands to Patrick Carkettle
Subsequently held by:		<b>Ludovick, duke of Lennox</b> (from 26 June 1591) <b>Walter Scott of Branhholm and Buccleuch</b> (from 4 October 1594)

### Lordship of Traprain<sup>35</sup>

(Haddingtonshire)

Previously held by : **earls of March**

28 August	1511	East Traprain granted to Agnes Stewart, countess of Bothwell, in liferent
30 October	1558	reversion by John Carkettle and John Carkettle, his son, to fourth earl for eight husbandlands of Traprain for £1,000 and three years tack after loosing
10 April	1560	reversion by Adam Hepburn of Smeaton to fourth earl of four husbandlands of Traprain for £346 13s 4d
1 December	1561	reversion by Alexander King to fourth earl of eight husbandlands of the toun and lands of Traprain for £1,600 and five years tack after the loosing
18 March	1567	confirmation of grant by fourth earl, and William Hepburn of Gilmerton (brother of Hepburn of Waughton), as feuar, to Alexander King, burgess of Edinburgh, eight husbandlands of Traprain (three possessed by John Scriveling; two by Bartholomew Weylands; one by Janet Arnot; one by Marion Russell; one by Thomas Kerrington) confirmation of identical

<sup>35</sup> *RMS*, ii, nos 513, 3637; v, nos 1516, 1878, 2126; *RSS*, v, no 3348; vi, no 1288; *HMC, Home of Wedderburn*, 43; 'Letters of Agnes, countess of Bothwell', *Bannatyne Miscellany*, iii, 305-6. Described as a lordship in early charters but, by the time of the fifth earl, merely part of the lordship of Hailes.



		grant to Gilbert Balfour, burges of Edinburgh (later 'of Westray') following the resignation of Alexander King, 16 September 1571, grant to Thomas Crawford of Jordanhill of the escheat of liferent of eight husbandlands of Traprain possessed by Gilbert Balfour of Westray and occupied by the same tenants (with the addition of John Finlay, spouse of Marion Russell)
29 October	1586	confirmation of charter of sale in implementation of contract of 8 June 1586 by fifth earl, with consent of Margaret Douglas, his spouse, to deceased Michael Gilbert, goldsmith, burges of Edinburgh, of annual of ten bolls wheat and ten bolls oats (Edinburgh measures) from the vill, lands and mill of Traprain; confirmation: 10 June 1591
2 June	1587	confirmation of charter of implementation of contract of 30 March 1587 by fifth earl to his kinsman [ <i>consanguineo</i> ] and servitor Peter Collace of two husbandlands in Traprain (occupied by William Davie, previously William Arnott); further confirmation 21 July 1592
- 27 October	1587	confirmation of charter of sale by fifth earl, with the consent of Margaret Douglas, his spouse, in implementation of contract between the earl (with Mr George Lauder of Bass, sir John Gordon of Lochinvar, Henry Hepburn of [West]fortune, Mr Samuel Cockburn of Templehall, David Collace of Auchinfarslie, Mr James Durham of Duntarvy, Mr Robert Hepburn, cautioners) and Mr Thomas Craig, advocate, and Helen Heriot, his spouse, and registered in the books of the lords of council of 24 July 1587, to sir John Maitland of Thirlestane, chancellor and secretary, and Jean Fleming, his spouse (who have received the translation of the said contract) an annual of ten chalders of victual (half wheat; half oats) from ten husbandlands of Markle and Markle meadow and two husbandlands of Traprain (occupied by James Witlands); 120 bolls from Markle, twenty-four bolls from Traprain and sixteen bolls from Markle meadow (failing that, from Northfield in Coldingham); confirmation: 8 April 1588
Subsequently held by:		<b>Ludovick, duke of Lennox</b> (from 26 June 1591) <b>Walter Scott of Branhholm and Buccleuch</b> (from 4 October 1594)

## LANDS AND LORDSHIP OF LIDDESDALE [regality]<sup>36</sup> (Roxburghshire)

Previously held by :		<b>earls of Angus</b>
29 December	1491	deed of excambion by earl of Angus of lands and lordship of Liddesdale for lands and lordship of Kilmarnock
6 March	1492	grant to first earl of lands and lordship of Liddesdale
10 December	1540	lands and lordship of Liddisdale annexed to the crown
5 January	1558	grant creating fourth earl bailie and chamberlain of Liddesdale
29 July	1587	in grant of earldom to fifth earl (where it is noted as omitted from 1581 grant)
Subsequently held by:		<b>Ludovick, duke of Lennox</b> (from 26 June 1591) <b>Walter Scott of Branhholm and Buccleuch</b> (from 4 October 1594)

<sup>36</sup> NLS, MS14542, f.118r; RMS, ii, 2072, 2092; iii, 2233; v, nos 1316, 1888; vi, no 166; RSS, v, no 291.

**BARONIES****LANDS AND BARONY OF BOLTON (with mill)<sup>37</sup>**

(Haddingtonshire)

Previously held by :      **earls of Douglas**

28 November	1474	grant to Archibald Haliburton, son and heir of George, lord Haliburton of Dirleton, of the lands and barony of Bolton
27 July	1486	confirmation of lands and barony to Mariot Haliburton, lady Dirleton
11 December	1494	lords auditors decide that the lands of Bolton belong to the first earl
1 March	1507	grant to Adam Hepburn of Craggis of an annual of £6 13s 4d from the lands of Egliscranno (previously pertaining to George Haliburton) and an annual of £5 from the lands of Over Bolton (previously pertaining to Robin Bolton) both held of Patrick, lord Dirleton
22 June	1535	grant of third part to George, lord Home, and Mariot Haliburton, his spouse, in liferent and Alexander Home in feu
12 August	1536	third part sold by Alexander Home, feuar of the land and lordships of Home and Dirleton, and son of George, lord Home, to Patrick Hepburn, master of Hailes, and Patrick Hepburn, his son
14 August	1536	reversion registered for £400 to be paid to Patrick, master of Hailes by Home
1 April	1538	grant of third part to George, lord Home, and Mariot Haliburton, his spouse, in liferent and Alexander Home in feu following the king's revocation
2 July	1554	granted to third earl with teindsheaves in return for an annual pension of £200
20 April	1557	confirmation to Janet Stewart, lady Methven, of liferent of third part of the barony and mill of Bolton
17 March	1558	granted to fourth earl for similar terms as to the third
12 March	1559	summons of Mary Hepburn, grand-daughter of Patrick Hepburn of Bolton (previously master of Hailes) from third lands of Bolton; Bothwell registered interest in lands; lords of session decided the lands had been redeemed despite the non-appearance of Mary Hepburn
25 July	1561	instrument of removing against Patrick Hepburn of Bolton
9 February	1564	confirmation of charter of sale by Alexander, lord Home, to William Maitland of Lethington, younger, of third part of barony and mill of Bolton; confirmation dated 11 April 1564
11 June	1584	precept to John Maitland of third part which formerly pertained to lord Home and third part which formerly pertained to William, lord Ruthven, all of which fell to the crown on the forfeiture of William Maitland of Lethington and were disposed to Robert Hepburn, son of Waughton, Andrew Ker of Fawdonside and William, earl of Gowrie
28 September	1592	confirmation of charter of liferent by James Maitland, son and heir of William Maitland of Lethington, to Agnes Maxwell, his spouse, of a third part of the barony of Bolton and third part of mill; confirmation dated 14 November 1592
15 November	1600	grant to Thomas Erskine of Gogar of third part of barony
20 November	1601	contract by George Ker of Fawdonside to resign third part of barony
25 September	1607	grant to James Maitland of Lethington of the lands and barony of Bolton - one part of which Alexander, earl of Home, resigns and one part of which

<sup>37</sup> SRO, B30/1/3, f. 103v; RMS, ii, 476, 1189, 1747; iii, 1480, 1764; iv, 1171, 1521; v, 2198; vi, 1095, 1976, 2100; RSS, i, no 1440; viii, no 370; HMC, Twelfth Report, app. viii, 149; 'Letters of Patrick, earl of Bothwell', *Bannatyne Miscellany*, iii, 419-20; 'Letters of Agnes, countess of Bothwell', *Bannatyne Miscellany*, iii, 275, 278.



George Ker of Fawdonside has resigned

Subsequently held by: **Maitlands of Lethington** (from 25 September 1607)

***Lands of Plewlands***<sup>38</sup>

23 July 1545 Patrick Hepburn of Bolton granted the lands to William Cockburn of that ilk, Alexander Cockburn, his son, and Helen Hepburn, his spouse

**LANDS AND BARONY OF CHAMBERLAIN NEWTON**<sup>39</sup> (Roxburghshire)

Previously held by : **lord Lindsay of the Byres**

28 October	1497	granted to Patrick Lindsay of Kirkforthir, brother of Lindsay of the Byres
1 February	1498	barony sold and alienated by Lindsay of the Byres to first earl
9 March	1499	confirmation of charter of sale to first earl
1 December	1508	confirmed to Patrick, lord Lindsay of the Byres as previous grant (28 October 1497) had been made during the king's minority
8 August	1511	granted to lord Lindsay of the Byres following the alienation of the majority of the holding of the first earl
27 August	1511	in grant of earldom to second earl
10 January	1568	in grant to Francis Stewart
30 April	1574	grant to Stephen Turnbull in Wollie of six merklands of Chamberlain Newton, previously held of fourth earl
16 June	1581	in grant of earldom to fifth earl
29 July	1587	in <i>de novo</i> grant of earldom to fifth earl

Subsequently held by: **Ludovick, duke of Lennox** (from 26 June 1591)  
**Walter Scott of Branhholm and Buccleuch** (from 4 October 1594)

***Lands of Craik***<sup>40</sup>

4 January 1509 alienated to John Cockburn, apparent of Ormiston

***Lands of Grundieston***<sup>41</sup>

22 October	1506	held blench by lord Home of the first earl; valued (with Stowislie) at £5
16 March	1526	precept by third earl to George, lord Home, of lands previously belonging to his brother
1 April	1538	letters under quarter seal to infest George, lord Home, in the lands; cancelling grant from the king's minority
16 April	1551	held by lord Home of third earl

***Lands of Over Newhall***<sup>42</sup>

12 February	1511	alienated to David Scott, apparent of Hassindene
23 August	1548	sold by William Scott of Hassindene to Adam Scott of Burnfoot

***Lands of Nether Newhall***<sup>43</sup>

12 February	1511	alienated to David Scott, apparent of Hassindene
23 August	1548	sold by William Scott of Hassindene to Adam Scott of Burnfoot

<sup>38</sup> RMS, v, no 2198; 'Letters of Agnes, countess of Bothwell', *Bannatyne Miscellany*, iii, 292.

<sup>39</sup> NLS, MS14542, f.118r; RMS, i, app 1, no 159; ii, nos 2376, 2482, 3274, 3610, 3635; v, nos 216, 1316, 1888; RSS, vi, nos 97, 1944.

<sup>40</sup> RMS, ii, no 3282.

<sup>41</sup> HMC, *Twelfth Report*, app. viii, 97, 143, 178.

<sup>42</sup> RMS, ii, no 3539, iv, no 244.

<sup>43</sup> *ibid.*, no 3539; iv, no 244.

***Lands of Stirkshaw***<sup>44</sup>

3 June 1575 granted to Walter Scott, grandson of Walter Scott of Sintoun, following the forfeiture of fourth earl

***Lands of Stowislie***<sup>45</sup>

22 October 1506 held blench by lord Home of the first earl; valued (with Grundieston) at £5  
 16 March 1526 precept by third earl to George, lord Home, of lands previously belonging to his brother  
 1 April 1538 letters under quarter seal to infest George, lord Home, in the lands; cancelling grant from the king's minority  
 16 April 1551 held by lord Home of third earl

**LANDS AND BARONY OF DRYFESDALE AND CARRUTHERS**<sup>46</sup>

(Dumfries-shire)

Previously held by : **Alexander Kirkpatrick**

13 October 1488 part of the earldom of Bothwell in the grant of earldom  
 12 September 1498 in regrant to first earl  
 27 August 1511 in grant of earldom to second earl  
 10 January 1568 in grant to Francis Stewart  
 16 June 1581 in grant of earldom to fifth earl  
 29 July 1587 in *de novo* grant of earldom to fifth earl

Subsequently held by: **Ludovick, duke of Lennox** (from 26 June 1591)  
**James Douglas of Drumlanrig** (from 28 January 1592) - part<sup>47</sup>  
**Walter Scott of Bransholm and Buccleuch** (from 4 October 1594)

***Lands of Beckhouse, Beckton, Bellhill, Dryfeholme, Quawis, Torwood and ~~the~~ of Dryfesdale***<sup>48</sup>

2 October 1484 part of lordship granted to Alexander Kirkpatrick  
 13 October 1488 part of the earldom of Bothwell in the grant of earldom  
 12 September 1498 in regrant to first earl

***Lands of Bengal and Blackwood, a tenement of Carruthers, the park of Carruthers and Dryfesdale Mill***<sup>49</sup>

13 October 1488 part of the earldom of Bothwell in the grant of earldom  
 12 September 1498 in regrant to first earl

***Lands of Over Kirkton, Netherton of Kirkton and Whitewalling***<sup>50</sup>

5 September 1580 granted to John Gordon of Lochinvar, son and heir of Margaret Crichton, daughter and heir of Robert Crichton of Kilpatrick and great-niece of Edward Crichton, brother of Robert Crichton of Sanquhar, the said Margaret held it of Bothwell and the king granted it to her following the forfeiture of fourth earl

<sup>44</sup> RMS, iv, no 2419.<sup>45</sup> HMC, *Twelfth Report*, app. viii, 97, 143, 178.<sup>46</sup> NLS, MS14542, f.118r; RMS, ii, nos 1784, 3635; v, nos 216, 1316, 1888, 2034; RSS, vi, no 97.<sup>47</sup> The Douglasses of Drumlanrig separately held £10 lands of Carruthers, RSS, vi, nos 1914, 2365, 2733.<sup>48</sup> RMS, ii, nos 1603, 1784, 2452.<sup>49</sup> *ibid.*, no 1784, 2452.<sup>50</sup> RMS, v, no 9.



**LANDS AND BARONY OF DUNSYRE<sup>51</sup>**

(Lanarkshire)

Previously held by : **earls of Douglas**

29 June	1444	grant by William, earl of Douglas, to Patrick Hepburn, son and heir of Adam Hepburn, lord Hailes
20 May	1452	confirmation of grant by earl of Douglas
13 October	1475	king grants Adam Hepburn of Dunsyre, son and heir of Patrick, lord Hailes, the lands of Dunsyre in blench ferm instead of the previous duty for 'ward and relief'
1 February	1481	grant to Patrick Hepburn of Dunsyre and Janet Douglas, his spouse, of the lands of Dunsyre as conjunct fee
6 February	1483	grant to Patrick Hepburn of Dunsyre of the lands of Dunsyre
27 August	1511	in grant of earldom to second earl
10 January	1568	in grant to Francis Stewart
16 June	1581	in grant of earldom to fifth earl
29 July	1587	in <i>de novo</i> grant of earldom to fifth earl

Subsequently held by: **Ludovick, duke of Lennox** (from 26 June 1591)  
**Walter Scott of Braxholm and Buccleuch** (from 4 October 1594)

***Lands of Dunsyre Mains<sup>52</sup>***

29 June	1444	granted by William, earl of Douglas, to Patrick Hepburn, son of Adam Hepburn, lord Hailes
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***Dunsyre Mill<sup>53</sup>***

29 June	1444	granted by William, earl of Douglas, to Patrick Hepburn, son of Adam Hepburn, lord Hailes
4 July	1492	granted to Archibald, earl of Angus, upon the resignation of first earl Bothwell
7 February	1510	granted to Janet Kennedy, daughter of John, lord Kennedy, as part of her conjunct fee
5 September	1528	grant to Robert, lord Maxwell of the half-land and barony of Dunsyre in the king's hand through the forfeiture of Archibald, earl of Angus
28 October	1534	grant to James Stewart, illegitimate son of James V, of the lands and barony of Dunsyre in the king's hands through the forfeiture of Archibald, earl of Angus, and the resignation of Robert, lord Maxwell
6 June	1540	confirmation of merklands in Dunsyre still possessed by Robert, lord Maxwell
10 December	1540	lands of Dunsyre, pertaining to the earl of Angus annexed to the crown
29 November	1581	Margaret Leslie, countess of Angus, infefted in feu of Dunsyre until liferent lands of barony of Bothwell available
20 October	1584	king grants in feu ferme to William Stewart of Monkton the lands and barony of Dunsyre with manor, mills, forests, fishings and tenants which had pertained to Archibald, earl of Angus

***Eastertoun of Dunsyre<sup>54</sup>***

29 June	1444	granted by William, earl of Douglas, to Patrick Hepburn, son of Adam Hepburn, lord Hailes
4 July	1492	granted to Archibald, earl of Angus, upon the resignation of first earl

<sup>51</sup> NLS, MS14542, f.118r; RMS, ii, no 557, 1207, 1459, 1552, 3635; v, nos 216, 1316, 1888; vi, nos 166, 175; RSS, vi, no 97.

<sup>52</sup> RMS, ii, no 557.

<sup>53</sup> *ibid.*, nos 557, 2106, 3413; iii, nos 642, 1425, 1475, 2164, 2233; v, nos 281, 750.

<sup>54</sup> RMS, ii, nos 557, 2106, 3413; iii, nos 49, 642, 1425, 1475, 2164, 2233; v, nos 281, 750.

		Bothwell
7 February	1510	granted to Janet Kennedy, daughter of John, lord Kennedy, as part of her conjunct fee
20 October	1515	confirmation of grant by Archibald, earl of Angus, to David Melville, burghess of Edinburgh, and Elizabeth Wardlaw, his spouse, of twelve merklands in the east vill of Dunsyre
5 September	1528	grant to Robert, lord Maxwell of the half-land and barony of Dunsyre in the king's hand through the forfeiture of Archibald, earl of Angus
28 October	1534	grant to James Stewart, illegitimate son of James V, of the lands and barony of Dunsyre in the king's hands through the forfeiture of Archibald, earl of Angus, and the resignation of Robert, lord Maxwell
6 June	1540	confirmation of merklands in Dunsyre still possessed by Robert, lord Maxwell
10 December	1540	lands of Dunsyre, pertaining to the earl of Angus annexed to the crown
20 October	1584	Margaret Leslie, countess of Angus, infefted in feu of Dunsyre until liferent lands of barony of Bothwell available; king grants in feu ferme to William Stewart of Monkton the lands and barony of Dunsyre with manor, mills, forests, fishings and tenants which had pertained to Archibald, earl of Angus

*Lands of Netherhills (Todhills)*<sup>55</sup>

29 June	1444	granted by William, earl of Douglas, to Patrick Hepburn, son of Adam Hepburn, lord Hailes
4 July	1492	granted to Archibald, earl of Angus, upon the resignation of first earl Bothwell
7 February	1510	granted to Janet Kennedy, daughter of John, lord Kennedy, as part of her conjunct fee
5 September	1528	grant to Robert, lord Maxwell of the half-land and barony of Dunsyre in the king's hand through the forfeiture of Archibald, earl of Angus
28 October	1534	grant to James Stewart, illegitimate son of James V, of the lands and barony of Dunsyre in the king's hands through the forfeiture of Archibald, earl of Angus, and the resignation of Robert, lord Maxwell
6 June	1540	confirmation of merklands in Dunsyre still possessed by Robert, lord Maxwell
10 December	1540	lands of Dunsyre, pertaining to the earl of Angus annexed to the crown
29 November	1581	Margaret Leslie, countess of Angus, infefted in feu of Dunsyre until liferent lands of barony of Bothwell available
20 October	1584	king grants in feu ferme to William Stewart of Monkton the lands and barony of Dunsyre with manor, mills, forests, fishings and tenants which had pertained to Archibald, earl of Angus

*Lands of Stonypath*<sup>56</sup>

29 June	1444	granted by William, earl of Douglas, to Patrick Hepburn, son of Adam Hepburn, lord Hailes
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*Westertoun of Dunsyre*<sup>57</sup>

29 June	1444	granted by William, earl of Douglas, to Patrick Hepburn, son of Adam Hepburn, lord Hailes
4 July	1492	granted to Archibald, earl of Angus, upon the resignation of first earl Bothwell
7 February	1510	granted to Janet Kennedy, daughter of John, lord Kennedy, as part of her conjunct fee

<sup>55</sup> RMS, ii, nos 557, 2106, 3413; iii, nos 642, 1425, 1475, 2164, 2233; v, nos 281, 750.

<sup>56</sup> RMS, ii, no 557.

<sup>57</sup> *ibid.*, nos 557, 2106, 3413; iii, nos 642, 1425, 1475, 2164, 2233; v, nos 281, 750.



5 September	1528	grant to Robert, lord Maxwell of the half-land and barony of Dunsyre in the king's hand through the forfeiture of Archibald, earl of Angus
28 October	1534	grant to James Stewart, illegitimate son of James V, of the lands and barony of Dunsyre in the king's hands through the forfeiture of Archibald, earl of Angus, and the resignation of Robert, lord Maxwell
6 June	1540	confirmation of merklands in Dunsyre still possessed by Robert, lord Maxwell
10 December	1540	lands of Dunsyre, pertaining to the earl of Angus annexed to the crown
29 November	1581	Margaret Leslie, countess of Angus, infested in feu of Dunsyre until liferent lands of barony of Bothwell available
20 October	1584	king grants in feu ferme to William Stewart of Monkton the lands and barony of Dunsyre with manor, mills, forests, fishings and tenants which had pertained to Archibald, earl of Angus

## LANDS AND BARONY OF ELLISRIGGEL, WALSTON & DOLPHINSTON<sup>58</sup> (Lanarkshire)

Previously held by : **earls of Douglas**

27 October	1509	second earl granted rights to analy his <i>lands of Walston and Ellisriggel</i>
8 March	1510	<i>barony of Ellisriggel and Walston</i> confirmed to second earl following forfeiture of James, earl Douglas; Alexander, lord Erskine, remained as tenant
8 July	1511	styled as <i>lands of Dolphinston and barony of Ellisriggel and Walston</i> in grant to second earl
27 August	1511	in grant of earldom to second earl
24 June	1563	confirmation of charter by second earl to Robert, lord Erskine, of the lands of the barony (with its mill), with the exception of the dwelling and garden possessed by Ninian White, half merkland in Walston and the patronage of the church
28 December	1567	grant to John, earl of Mar (the tenant) of the lands of the barony <i>including</i> the dwelling and garden of Thomas White, half merkland in Walston and patronage of the church, previously held of fourth earl
10 January	1568	in grant to Francis Stewart
16 June	1581	in grant of earldom to fifth earl
May	1584	grant to James, earl of Arran and Elizabeth Stewart, his spouse, of the lands of Ellisriggel and Walston with mill and patronage of the church of Walston; previously belonged to fourth earl, as superior and proprietor; following his forfeiture, pertained to John, earl of Mar, and Annabel Murray, his spouse; now in kings hands as a result of the revocation of May 1584
29 July	1587	in <i>de novo</i> grant of earldom to fifth earl

Subsequently held by: **Ludovick, duke of Lennox** (from 26 June 1591)  
**Walter Scott of Braxholm and Buccleuch** (from 4 October 1594)

## LANDS AND BARONY OF ERLISTON called 'GLENKEN'<sup>59</sup> (Kirkcudbrightshire)

Previously held by : **earls of March**

2 March	1508	half-lands of Glenken granted to John, lord Maxwell
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<sup>58</sup> RMS, ii, nos 3581, 3635; v, nos 216, 696, 737, 1316, 1888; RSS, i, nos 1941, 2026; v, no 1404; vi, nos 73, 97.

<sup>59</sup> SRO, RH6/3132; RMS, i, no 291; ii, nos 3199, 3420, 3635, 3637; v, nos 216, 1316, 1888, 1904; RSS, vi, no 97.

27 August	1511	in grant of earldom to second earl
28 August	1511	in grant of terce lands to countess of Bothwell
10 January	1568	in grant to Francis Stewart
16 June	1581	in grant of earldom to fifth earl
29 July	1587	in <i>de novo</i> grant of earldom to fifth earl
12 December	1592	lands ratified to tenants of forfeited fifth earl <sup>60</sup>

Subsequently held by: **Ludovick, duke of Lennox** (from 26 June 1591)  
**Andrew, master of Ochiltree** (from 2 August 1591) - part  
**Walter Scott of Branhholm and Buccleuch** (from 4 October 1594)

#### *Lands of Waterhead*<sup>61</sup>

2 March	1568	grant to Michael Gilbert, goldsmith in Edinburgh, of £3 lands occupied by (deceased) John MacAdam which had been sold to him by the fourth earl and William Hepburn of Gilmerton, the feuar of the lands
28 November	1581	confirmation of charter by Andrew MacAdam of Waterhead to Gilbert MacAdam and Margaret MacAdam, his intended spouse, of £3 lands of Waterhead (which they occupy); reserving the liferent of the said Andrew and Christine Kennedy, his spouse; confirmation dated 5 February 1592

### **LANDS AND BARONY OF KIRKMICHAEL**<sup>62</sup>

(Dumfries-shire)

Previously held by : ????

13 October	1488	part of the earldom of Bothwell in the grant of earldom
10 January	1568	in grant to Francis Stewart
16 June	1581	in grant of earldom to fifth earl
29 July	1587	in <i>de novo</i> grant of earldom to fifth earl
26 June	1591	in grant of earldom to Ludovick, duke of Lennox

Subsequently held by: **Ludovick, duke of Lennox** (from 26 June 1591)  
**Walter Scott of Branhholm and Buccleuch** (from 4 October 1594)

*Lands of Acornholme, Beckton, Bettishill, Blackhill, Coileanhouse, Crunzanetoun, Faranis, Gilgone, Greenside, Hessilshaw, Limmingby, Millhill, Mollins, Monygip, Nether Kirkmichael, Over Kirkmichael, Powlin, Raehill, Rispond and Townlands*<sup>63</sup>

13 October	1488	part of the earldom of Bothwell in the grant of earldom
12 September	1498	in regrant to first earl

#### *Lands of Auchinskeoch*<sup>64</sup>

26 February	1573	lands of Auchinskeoch to be held by Douglas of Drumlanrig directly of the
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<sup>60</sup> RMS, v, no 2223: Kentigern MacAdam - two merklands of Smeaton & half merkland of Stranhannach; John McNaught of Drumdewcht - two and a half merklands of Drumdewcht & 20s lands of Macdrochat; Patrick McGill in Makilston - one merkland in Makilston; John McGill in Cleugh of Makilston - half merkland in Cleugh of Makilston; Robert Fergusson of Over Makilston - one merkland in Over Makilston; John McMillan of Arndarroch - three merk-lands of Arndarroch & one merkland of Craignain; James Sinclair of Glen - one merkland in Glen, half merkland of Strachanna & half merkland in Toddistoun; Donald McMillan in Auchingaroch - half merkland in Auchingaroch; David MacAdam of Craigingulane - 8s lands in Craigingulane; Andrew McMillan in Little Kirkland - kirklands of church of Dalry

<sup>61</sup> RMS, v, no 2045; RSS, vi, no 182.

<sup>62</sup> NLS, MS14542, f.118r; RMS, v, nos 216, 1316, 1888; RSS, vi, no 97.

<sup>63</sup> RMS, ii, nos 1784, 2452.

<sup>64</sup> RMS, v, no 9, 2034; RSS, vi, nos 1914, 2365, 2733.



8 March	1574	crown following forfeiture of fourth earl regress to James Douglas of Drumlanrig
10 November	1574	regress to James Douglas of Drumlanrig
28 January	1592	granted to James Douglas of Drumlanrig

*Lands of Cumrew*<sup>65</sup>

8 March	1574	regress to James Douglas of Drumlanrig
10 November	1574	regress to James Douglas of Drumlanrig
28 January	1592	granted to James Douglas of Drumlanrig

*Lands of Knock, Meikleholme and Ross*<sup>66</sup>

	c 1520	sasine to Roger Kirkpatrick as heir to his grandfather of the lands
2 November	1552	Kirkpatrick grants lands to James Douglas of Drumlanrig, with the consent of his superior
26 February	1573	lands of Knock to be held by Douglas of Drumlanrig directly of the Crown following forfeiture of fourth earl
8 March	1574	regress to James Douglas of Drumlanrig
10 November	1574	regress to James Douglas of Drumlanrig
28 January	1592	granted to James Douglas of Drumlanrig

*Annual of Dalfabill and (Nether) Garvald with their mills*<sup>67</sup>

	c 1520	sasine to Roger Kirkpatrick as heir to his grandfather of the lands
2 November	1552	Kirkpatrick grants lands to James Douglas of Drumlanrig, with the consent of his superior
26 February	1573	lands of Dalfabill and Nether Garvald to be held by Douglas of Drumlanrig directly of the crown following forfeiture of fourth earl
8 March	1574	regress to James Douglas of Drumlanrig
10 November	1574	regress to James Douglas of Drumlanrig
5 September	1580	granted to John Gordon of Lochinvar, son and heir of Margaret Crichton, daughter and heir of Robert Crichton of Kilpatrick and great-niece of Edward Crichton, brother of Robert Crichton of Sanquhar; the said Margaret held it of Bothwell and the king granted it to her following the forfeiture of fourth earl
28 January	1592	granted to James Douglas of Drumlanrig

**LANDS AND BARONY OF MORHAM**<sup>68</sup>

(Haddingtonshire)

Previously held by :      **lords Hay of Yester - half**  
                                  **MacDowall of Makerston - half**

4 February	1478	Dougall MacDowall of Makerston grants half-land to Eupheme Hepburn in liferent
26 February	1491	James IV grants half-lands to first earl following resignation of Andrew MacDowall of Makerston
27 August	1511	half-lands in grant to second earl
8 November	1511	full lands granted to second earl
10 November	1512	half-lands pertaining to Hay of Yester excambioned with second earl in return for half-lands of Yester and quarter-land of Duncanlaw

<sup>65</sup> *RMS*, v, no 9, 2034; *RSS*, vi, nos 1914, 2365, 2733.

<sup>66</sup> *NRA(S)* 1275, nos 43, 45, 47; *RMS*, v, nos 9, 2034; *RSS*, vi, nos 1914, 2365, 2733.

<sup>67</sup> *NRA(S)* 1275, no 45; *RMS*, v, nos 9, 2034; *RSS*, vi, nos 1914, 2365, 2733.

<sup>68</sup> *NLS*, MS14542, f.118r; *RMS*, ii, no 1360, 2013, 3635, 3781, 3784; v, nos 216, 1316, 1859, 1888; *RSS*, vi, nos 97, 2146; *SRO*, B30/1/3, f. 104v; 'Letters of Patrick, earl of Bothwell', *Bannatyne Miscellany*, iii, 420; 'Letters of Agnes, countess of Bothwell', *Bannatyne Miscellany*, iii, 284-6.

14 November	1512	sold and alienated to Adam Hepburn of Craggs (his uncle) by second earl to offset debts due to him
18 June	1541	Agnes, countess of Bothwell, received £4 6s 8d per term as her annual of her third of the lands of Morham
8 November	1543	resigned to third earl in return for £2,000
10 January	1568	in grant to Francis Stewart
8 October	1573	granted to Jean Hepburn, mistress of Caithness (mother of fifth earl)
16 June	1581	in grant of earldom to fifth earl
29 July	1587	in <i>de novo</i> grant of earldom to fifth earl
8 April	1591	confirmation of charter of sale by fifth earl, feuar of Morham, with the consent of Margaret Douglas, his spouse, to James Cockburn, and deceased Janet Sharp, his spouse, of annual of twenty bolls victual (half oats; half wheat) of the land of Morham Mains for £666 13s 4d

Subsequently held by: **Ludovick, duke of Lennox** (from 26 June 1591)  
**Walter Scott of Branhholm and Buccleuch** (from 4 October 1594)

*Lands of Braid Meadow, Mainshill & Plewfield*<sup>69</sup>

8 October 1573 granted to Jean Hepburn, mistress of Caithness

*Lands of Northrig*<sup>70</sup>

27 August 1511 part of terce of Agnes Sinclair, countess of Bothwell

8 November 1543 resigned to the third earl

8 October 1573 granted to Jean Hepburn, mistress of Caithness

**LANDS (and BARONY) OF OLDHAMSTOCKS**<sup>71</sup>

(Haddingtonshire)

Previously held by : **earls of March**

7 August	1450	grant by Patrick Hepburn of Hailes of thirteen merklands of Oldhamstocks to the collegiate church of Dunglass for masses for the souls of James I, James Kennedy, bishop of St Andrews, Alexander Home of that ilk, Robert Nisbet and William Chirnside
20 December	1451	part of the barony of Hailes in the grant of lordship
27 August	1511	in grant to second earl
	1529x39	granted by third earl to Alexander Hepburn of Whitsome, failing whom Thomas, his illegitimate son (later parson of Oldhamstocks); confirmation dated 1549
	1581	confirmed to Alexander Home of Manderston following the forfeiture of the fourth earl
16 June	1581	in grant of earldom to fifth earl
29 July	1587	in <i>de novo</i> grant of earldom to fifth earl

Subsequently held by: **Ludovick, duke of Lennox** (from 26 June 1591)  
**Walter Scott of Branhholm and Buccleuch** (from 4 October 1594)

*Lands of Hershope*<sup>72</sup>

20 December 1451 distinct part of the barony of Hailes in the grant of lordship

<sup>69</sup> RSS, vi, no 2146.

<sup>70</sup> RSS, vi, no 2146; 'Letters of Agnes, countess of Bothwell', *Bannatyne Miscellany*, iii, 284-6.

<sup>71</sup> NLS, MS14542, f.118r; APS, iii, 270; RSS, iv, no 193; RAMS, ii, nos 387, 513, 3635; v, nos 216, 1316, 1888.

<sup>72</sup> RAMS, ii, no 513.



**Lands of Stottencleugh**<sup>73</sup>

	1529x39	granted by third earl to Alexander Hepburn of Whitsome, failing whom Thomas, his illegitimate son (later parson of Oldhamstocks); confirmation dated 1549
13 August	1539	William Brown in Little Markle alienates half the lands of Stottencleugh to John Hepburn in Kirklandhill, brother of Patrick Hepburn of Waughton

**LANDS (and BARONY) OF PRENDERGUEST, ABCHESTER, SHERIFF-BIGGING & SHERIFFLANDS**<sup>74</sup> (Berwickshire)

Previously held by : **Coldingham Priory**

20 December	1451	part of the barony of Hailes in the grant of lordship
27 August	1511	described as <i>lands and barony of Prenderguest, Abchester, Sheriff-bigging and Sherifflands</i> in grant of earldom to second earl
13 March	1538	charter of sale by third earl to William Home of Lochtullo of lands in Prenderguest extending to twenty husbandlands
22 February	1564	reversion document belonging to William Home of Prenderguest extant
10 January	1568	described as <i>lands and barony of Prenderguest, Abchester, Sheriff-bigging and Sherifflands</i> in grant to Francis Stewart
17 January	1568	grant to John Home of West Reston of eight husbandlands in Abchester and Bastelrig in the king's hands through the forfeiture of the fourth earl
1 September	1578	fifth earl warned Alexander Home in the Denes and James Home in Dunbar, his brother, to compear in St Giles Kirk in order to receive £1,500 with a letter of tack for Prenderguest and Whitrig; redemption achieved
16 June	1581	described as <i>lands and barony of Prenderguest, Abchester, Sheriff-bigging and Sherifflands</i> in grant of earldom to fifth earl
29 July	1587	described as <i>lands and barony of Prenderguest, Abchester, Sheriff-bigging and Sherifflands</i> in <i>de novo</i> grant of earldom to fifth earl
14 July	1589	<i>clare constat</i> to John Home of West Reston of lands of Abchester and Bastelrig
22 July	1589	contract of redemption between fifth earl and John Home of West Reston, in exchange for £1,000

Subsequently held by: **Ludovick, duke of Lennox** (from 26 June 1591)  
**Walter Scott of Branhholm and Buccleuch** (from 4 October 1594)

**Lands of Peilwalls**<sup>75</sup>

12 May	1540	to be redeemed by Patrick Hepburn, son of Patrick Hepburn of Bolton from James Rowell for £66 13s 4d; contract worth £133 13s 4d never to redeem the lands if Patrick Hepburn, son of Patrick Hepburn of Bolton, becomes earl
22 February	1564	reversion of Peilwalls by Patrick Hepburn (no further details)
17 January	1568	grant to Robert Russell of Peilwalls of the East Mains of Prenderguest, known as Peilwalls, previously held of fourth earl
27 January	1600	charter to Robert Russell of Peilwallis of lands

<sup>73</sup> RSS, iv, no 193.

<sup>74</sup> NLS, MS14542, f.118r; SRO, RH6/2106, RH6/2488, RH6/2510, RH6/2516, RH6/3014, RH6/3015, RH6/3016, RH6/3017; RAMS, i, no 839, ii, nos 513, 3635; iii, no 1984; v, nos 216, 1316, 1888; RSS, vi, no 97; 'Letters of Agnes, countess of Bothwell', *Bannatyne Miscellany*, iii, 306.

<sup>75</sup> NLS, MS3245, 100-4; SRO, B30/1/3, ff. 34r, 112v; 'Letters of Agnes, countess of Bothwell', *Bannatyne Miscellany*, iii, 306-7; 'Letters of Patrick, earl of Bothwell', *Bannatyne Miscellany*, iii, 418-9, 421.

**Prendergust Mill**<sup>76</sup>

13 March 1538 charter of sale by third earl to William Home of Lochtullo

**LANDS AND BARONY OF TOWNYETHOLM (WITH MILL)**<sup>77</sup> (Roxburghshire)

Previously held by : **MacDowall of Makerston (1478-94)**

1 May 1494 sold to first earl by MacDowall of Makerston  
 27 August 1511 in grant of earldom to second earl  
 29 November 1563 charter of sale by fourth earl (with consent of William Hepburn, brother  
 german of Patrick Hepburn of Waughton, for his interest) to Gilbert Ker of  
 Primsideloch and deceased Elizabeth Edmonston, his spouse, in liferent,  
 and Walter Ker, their third son, in feu, of lands and vill of Townyetholm  
 with its mill  
 16 June 1581 in grant of earldom to fifth earl  
 29 July 1587 in *de novo* grant of earldom to fifth earl

Subsequently held by: **Ludovick, duke of Lennox (from 26 June 1591)**  
**Walter Scott of Branhholm and Buccleuch (from 4 October 1594)**

**LANDS AND BARONY OF WHITSOME**<sup>78</sup> (Berwickshire)

Previously held by : **earls of March**

20 December 1451 part of the barony of Hailes in the grant of lordship  
 1451x79 granted by first lord to Alexander Hepburn of Whitsome  
 27 August 1511 in grant of earldom to second earl  
 14 March 1561 reversion by Cockburn of that ilk of fourteen husbandlands and one  
 cotland of Whitsome  
 20 January 1563 reversion by Patrick Hepburn of Kirklandhill and Helen Hamilton, his  
 spouse, of fourteen husbandlands and one cotland of Whitsome for £533  
 6s 8d and nine years tacks after loosing  
 10 January 1568 in grant to Francis Stewart  
 3 February 1568 grant to Alexander Home of Manderston of the lands of Whitsome  
 previously held by Alexander Hepburn of Whitsome from fourth earl and  
 in the king's hands due to forfeiture  
 2 December 1571 grant to John Home of Crumstane of fourteen husbandlands with cotlands  
 in Whitsome which George Hepburn had held of fourth earl and were now  
 in the king's hands through forfeiture  
 16 June 1581 in grant of earldom to fifth earl  
 29 July 1587 in *de novo* grant of earldom to fifth earl  
 9 December 1587 confirmation of charter of feu ferme by Alexander Hepburn of Whitsome  
 to Robert Innerwick in Whitsome of one husbandland and summering  
 (which John Simpson and Robert's son occupies), fourteen rigs (which  
 Robert occupies called Serjeantland) extending to three husbandlands  
 2 August 1588 confirmation of charter to Robert Innerwick in Whitsome  
 12 November 1592 grant to William Home of fourteen husbandlands and cotlands in  
 Whitsome called 'Hepburn-quarter' (which William Polwarth, David  
 Polwarth, Thomas Johnston, John Cockburn and Patrick Jaffray occupy)

<sup>76</sup> RMS, iii, no 1984.

<sup>77</sup> NLS, MS14542, f.118r; RMS, ii, nos 50, 1359, 3635; v, nos 216, 743, 1316, 1888.

<sup>78</sup> NLS, MS14542, f.118r; SRO, GD100/48; APS, iii, 270; RSS, iv, no 193; vi, no 97; RMS, ii, nos 513, 3635; iv, nos 1834, 1986, 2776; v, nos 216, 1316, 1570, 1888, 2193; vi, nos 166, 175; 'Letters to Agnes, countess of Bothwell', *Bannatyne Miscellany*, iii, 306.



which were held by fifth earl and his brother, Hercules

Subsequently held by: **Ludovick, duke of Lennox** (from 26 June 1591)  
**Walter Scott of Branhholm and Buccleuch** (from 4 October 1594)

***Easterlaws of Whitsome***<sup>79</sup>

29 July 1587 grant to Patrick Home, apparent of Polwarth, of four husbandlands in Whitsome in the king's hands following the resignation of fourth earl

***Newton of Whitsome***<sup>80</sup>

4 March 1568 grant to George Home, feuar of Spott, of seven husbandlands of Newton of Whitsome which his predecessor held of the fourth earl and in the king's hands through his forfeiture grant to William Redpath of that ilk and Margaret McGill, his spouse, of £10 lands of Newton of Whitsome

16 July 1575 grant to William Douglas of Whittingham of the ward and non-entry of the lands

24 February 1578 confirmation of charter of sale by George Home, feuar of Spott, to James Douglas, prior of Pluscarden (illegitimate son of James, regent Morton) and Agnes Home, his future spouse, of seven husbandlands in Whitsome

16 December 1581 grant to Alexander Home of Manderston and Janet Home, his spouse, of seven husbandlands of Newton of Whitsome pertaining to the crown after the forfeiture of the prior of Pluscarden

10 June 1592 grant to sir George Home in Primroseknowe of seven husbandlands in Whitsome pertaining to the crown after the forfeiture of James Douglas of Spott

***Westerlaws of Whitsome***<sup>81</sup>

20 March 1574 grant to Patrick Chirnside of the escheat of the lands of Ninian Chirnside of Whitsomelaws, including half of eight husbandlands of Westerlaws

**LANDS AND BARONY OF WILTON**<sup>82</sup>

(Roxburghshire)

Previously held by : **Scotts of Wilton**

3 May 1494 John Scott of Wilton sold lands to first earl with patronage of the church

27 August 1511 in grant of earldom to second earl with patronage of the church

10 January 1568 in grant to Francis Stewart

16 June 1581 in grant of earldom to fifth earl

1 August 1586 confirmation to Walter Cairncross, brother german of William Cairncross of Colmislie, and Grisel Scott, lady Borthwick, his spouse, the superiority of the lands of Wiltongreen, Wiltonburn and Overhall with avocation to the rectory and vicarage of Wilton parish church, which the said Grisel resigned

29 July 1587 in *de novo* grant of earldom to fifth earl

Subsequently held by: **Ludovick, duke of Lennox** (from 26 June 1591)  
**Walter Scott of Branhholm and Buccleuch** (from 4 October 1594)

<sup>79</sup> *RMS*, v, no 1319.

<sup>80</sup> *RMS*, iv, no 1813; v, nos 306, 2098; *RSS*, vi, no 192; vii, no 249.

<sup>81</sup> *RSS*, vi, no 2393.

<sup>82</sup> *NLS*, MS14542, f.118r; *RMS*, ii, nos 353, 441, 2255, 3635; v, nos 216, 1017, 1316, 1888; *RSS*, vi, no 97.

***Lands of Harden***<sup>83</sup>

22 October	1506	held in blench ferm by lord Home of the first earl; valued at £6 13s 4d
16 March	1526	precept by third earl to George, lord Home, of lands previously belonging to his brother
1 April	1538	letters under quarter seal to infest George, lord Home, in the lands; cancelling grant from the king's minority
	1550	sold (excepting one acre) by Alexander, lord Home, to William Scott in Todrig under reversion of £53 6s 8d
22 March	1556	summons to William Scott in Harden to receive reversionary money
	1559	perhaps re-sold back to Scott by Home

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<sup>83</sup> HMC, *Twelfth Report*, app. viii, 84, 97, 143, 144, 178.



**OTHER LANDS****Lands of Ailmure<sup>84</sup>**

(Selkirkshire)

10 January	1568	in grant to Francis Stewart
16 June	1581	in grant of earldom to fifth earl
29 July	1587	in <i>de novo</i> grant of earldom to fifth earl
26 June	1591	in grant of earldom to Ludovick, duke of Lennox

**Lands of Ancrum<sup>85</sup>**

(Roxburghshire)

1 December	1561	receipt of Ancrum by John Somerville, on behalf of fourth earl from Andrew Ker
1 September	1567	grant to William Ker, apparent of Cesford, of the escheat of the lands of Nether Ancrum, pertaining to James Ormiston of that ilk previously made by the archbishop of Glasgow to fourth earl; also office of bailie of Ancrum, Lillislie and Ashkirk

**Lands of Ardouth, Bairquharn, Over Knockgreis and Barneleyis<sup>86</sup>** (Dumfries-shire)

c 1562	one merkland intended to be mortgaged by fourth earl to John Sinclair in Ersilton for £146 13s 4d and sixteen years tacks after loosing; never completed as no money changed hands
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**Lands of Capriston<sup>87</sup>**

(Edinburghshire)

13 October	1488	part of the earldom of Bothwell in the grant of earldom
12 September	1498	in regrant to first earl
27 August	1511	in grant of earldom to second earl
16 June	1581	in grant of earldom to fifth earl
29 July	1587	in <i>de novo</i> grant of earldom to fifth earl

**Lands of Castlelaw<sup>88</sup>**

(Edinburghshire)

13 October	1488	part of the earldom of Bothwell in the grant of earldom
12 September	1498	in regrant to first earl
20 August	1501	granted to Patrick Home of Polwarth and Ellen Shaw, lady Dirlcton, his spouse
20 November	1506	£80 annual of Castlelaw granted to Chapel Royal in Stirling

**Lands of Caverston<sup>89</sup>**

(Peebles-shire)

4 January	1568	granted to William Stewart, brother of Stewart of Traquair, previously tenant of fourth earl
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**Lands of Clocklony [2 merklands in barony of Cumnock]<sup>90</sup>**

(Ayrshire)

1529-39	granted by third (less probably, first) earl to Alexander Hepburn of Whitsome
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<sup>84</sup> NLS, MS14542, f.118r; RMS, v, nos 216, 1316, 1888; RSS, vi, no 97.

<sup>85</sup> 'Letters of Agnes, countess of Bothwell', *Bannatyne Miscellany*, iii, 306.

<sup>86</sup> HMC, *Home of Wedderburn*, 44; 'Letters of Agnes, countess of Bothwell', *Bannatyne Miscellany*, iii, 306.

<sup>87</sup> RMS, ii, nos 1784, 2452, 3635; v, nos 216, 1316, 1888.

<sup>88</sup> RMS, ii, nos 362, 1784, 2452, 2594, 3002.

<sup>89</sup> RSS, vi, no 85.

<sup>90</sup> RSS, iv, no 193.

**Lands of Cockburnspath** [2 oxgates in the vill of Cockburnspath]<sup>91</sup> (Haddingtonshire)

(it is possible that, at some point, they also feued Hoprig and Hoprigshiels from the lords of Cockburnspath - the earls of March or the earls of Angus)

20 December	1451	part of the barony of Hailes in the grant of lordship
27 August	1511	only the <i>chapel of Cockburnspath</i> in grant of earldom to second earl
10 January	1568	only the <i>chapel of Cockburnspath</i> in grant to Francis Stewart
16 June	1581	described as <i>chapel of Cockburnspath with its hospital</i> in grant of earldom to fifth earl
29 July	1587	described as <i>chapel of Cockburnspath with its hospital</i> in <i>de novo</i> grant of earldom to fifth earl

**Lands of Drumlark, Maybie and Cruiks**<sup>92</sup> (Kirkcudbrightshire)

8 July	1526	grant to William McCulloch of Kirkmabrek of Drumlark, half Maybie and Cruiks (with Kirkmabrek, St Bryde's Holm, Cragdwill, Dalcheny and half Macrewin) which had been alienated by Robert Herries of Kirkpatrick-Irongray in return for £236
16 June	1581	in grant of earldom to fifth earl
29 July	1587	in <i>de novo</i> grant of earldom to fifth earl

**(Half-)Lands of East Craig** [in barony of North Berwick]<sup>93</sup> (Haddingtonshire)

16 January	1507	half-lands previously belonging to Thomas Craig granted to first earl
27 August	1511	in grant of earldom to second earl
	1531	half lands held by third earl, other half lands held by William Hepburn
1 April	1544	half lands of East Craig granted to Patrick Hepburn of Bolton
8 November	1550	half of East Craig within the barony of North Berwick sold by Patrick Hepburn of Bolton to Helen Hepburn, wife of Patrick Hepburn of Waughton and Adam, her son
16 June	1581	in grant of earldom to fifth earl
29 August	1586	confirmation of grant by William Hepburn of East Craig (in implementation of a contract between Alexander Home, rector of Polwarth, Christine Dewar, his spouse, Margaret Home, his daughter, and Alexander Home of North Berwick mains on one part and the said William, and Patrick Hepburn, his son and heir on the other); dated at North Berwick 11 July 1586) grants to the said Patrick Hepburn the lands of East Craig with manor, reserving life tenantry to the said William and half of the lands in liferent to Margaret Home, his spouse
29 August	1586	charter of half the lands of East Craig to Margaret Home in life rent blench ferme
29 July	1587	in <i>de novo</i> grant of earldom to fifth earl
26 June	1591	in grant of earldom to Ludovick, duke of Lennox

**Lands of Elmer (Elinhame and Kirkstead?)**<sup>94</sup> (Selkirkshire)

24 November	1505	granted to first earl following the resignation of John Elmers
4 October	1594	lands of Elinhame and Kirkstead granted to Buccleuch following forfeiture of fifth earl

<sup>91</sup> NLS, MS14542, f.118r; *RMS*, ii, nos 513, 1784, 3635; v, nos 216, 1316, 1888; *RSS*, vi, no 97. Hepburn of Waughton also held half a ploughgate within Cockburnspath, *RMS*, ii, no 588.

<sup>92</sup> NLS, MS14542, f.118r; *RMS*, v, nos 216, 1316, 1888; *RSS*, i, no 3419.

<sup>93</sup> NLS, MS14542, f.118r; *RMS*, ii, nos 3026, 3635; v, nos 216, 1316, 1586, 1888; 'Letters of Patrick, earl of Bothwell', *Bannatyne Miscellany*, iii, 417, 421-2; 'Letters of Agnes, countess of Bothwell', *Bannatyne Miscellany*, iii, 291-2.

<sup>94</sup> NLS, MS14542, f.118r; *RSS*, i, no 1165.



**Lands of Fermington (with hospital)<sup>95</sup>**

(Roxburghshire)

23 January	1506	sold to first earl by William Maitland of Lethington
27 August	1511	in grant of earldom to second earl
7 October	1532	grant to Janet Rutherford of lands of Fermington due to debts occurred from lands of Markle
10 January	1568	in grant to Francis Stewart
16 June	1581	in grant of earldom to fifth earl
29 July	1587	in <i>de novo</i> grant of earldom to fifth earl
26 June	1591	in grant of earldom to Ludovick, duke of Lennox

**Lands of Heprig (with Panyston and Whitrig) [£12 14s land]<sup>96</sup>**

(Haddingtonshire)

2 October	1507	grant to first earl
27 August	1511	in grant of earldom to second earl
10 January	1568	in grant to Francis Stewart
16 June	1581	in grant of earldom to fifth earl
29 July	1587	in <i>de novo</i> grant of earldom to fifth earl

**Lands of Kello<sup>97</sup>**

(Berwickshire)

12 August	1536	sold by Alexander Home, feuar of the land and lordships of Home and Dirleton, and son of George, lord Home, to Patrick Hepburn, master of Hailes, and Patrick Hepburn, his son
8 February	1574	tack to Andrew Ker of Fawdonside of the teinds of Kello which had previously belonged to the (now forfeit) lord Home

**Lands of Kettilshiel<sup>98</sup>**

(Berwickshire)

20 December	1451	part of the barony of Hailes in the grant of lordship
4 July	1492	granted to Archibald, sixth earl of Angus as part of his barony of Bothwell (see <i>Appendix 6</i> ).

**Lands of Kirkurd<sup>99</sup>**

(Peebles-shire)

20 June	1504	granted to first earl by reason of non-entry of the heirs of Buccleuch
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**Lands of Lambden<sup>100</sup>**

(Berwickshire)

3 January	1447	all the lands set in feu by John, lord Haliburton, to Alexander Home of that ilk, his sheriff depute within Berwickshire
28 March	1451	grant to Patrick Haliburton, son and heir of John, lord Haliburton, and Margaret Hepburn, daughter of Patrick Hepburn of Hailes, his spouse, resigned by the said John
20 December	1451	one ploughgate of land in Lambden part of the barony of Hailes in the grant of lordship
27 August	1511	erroneously described as <i>lands and barony of Lambden</i> in grant of earldom to second earl; <sup>101</sup> probably reverted to lords Haliburton following

<sup>95</sup> NLS, MS14542, f.118r; RMS, ii, 3030, 3635; v, nos 216, 1316, 1888; RSS, vi, no 97; 'Letters of Agnes, countess of Bothwell', *Bannatyne Miscellany*, iii, 284-6.

<sup>96</sup> NLS, MS14542, f.118r; RMS, ii, 3137, 3635; v, nos 216, 1316, 1888; RSS, vi, no 97. Messuage and mansion retained by the family of Baillie of Lammington.

<sup>97</sup> SRO, B30/1/3, f. 103r; RSS, vi, no 2315; 'Letters of Patrick, earl of Bothwell', *Bannatyne Miscellany*, iii, 419-20.

<sup>98</sup> RMS, ii, no 513.

<sup>99</sup> RSS, i, no 1037.

<sup>100</sup> SRO, GD224/890/21/1; RMS, ii, nos 305, 437, 513; iii, no 1480.

<sup>101</sup> So styled in the copy preserved in collection of the duke of Buccleuch, SRO, GD224/890/21/1. The entry does not correspond with the document printed in the register of the great seal, RMS, ii, no 3635.

22 June 1535 the death of Margaret Hepburn  
grant to George, lord Home, and Mariota Haliburton, his spouse, of the  
barony of Lambden

***Lands of Lambdenrig (or Rutchester)***<sup>102</sup>

10 February 1465 reversion registered by Alexander, lord Home to Adam Hepburn, son of  
Archibald Hepburn of Thornidene for £64 16s  
1 March 1475 reversion registered by Thomas Home to George Haliburton of two  
ploughgates in Lambdenrig  
15 March 1519 charter of sale by Thomas Home, burgess of Edinburgh, with the consent  
of Thomas Home of Langshaw, his superior, and confirmation of Janet  
Haliburton, eldest daughter of Patrick, lord Haliburton and Dirleton, to  
Robert Galbraith  
28 March 1552 assignation of reversions (noted above) to Alexander, lord Home, by  
Mariot Haliburton, his mother

***Lands of Easter Plewlands***<sup>103</sup>

13 January 1570 charter to Alexander Haitlie of Lambden of £4 13s 6d lands formerly held  
by his parents of the fourth earl  
31 January 1592 granted to John Home of Slegdone

***Lands of Wester Plewlands***<sup>104</sup>

13 January 1570 charter to Alexander Haitlie of Lambden of £4 lands formerly held by him  
of the fourth earl  
31 January 1592 granted to John Home of Slegdone

***Lands of Langnewton (with mill)***<sup>105</sup>

(Roxburghshire)

16 February 1500 James IV requires Robert Douglas of Lochleven to infest first earl in  
thirty-nine husbandlands of Langnewton  
27 August 1511 in grant of earldom to second earl  
27 April 1557 lands redeemed from Bothwell by laird of Lochleven  
10 January 1568 in grant to Francis Stewart  
29 July 1587 in *de novo* grant of earldom to fifth earl

***Lands of Lowis*** [2 merklands in barony of Cumnock]<sup>106</sup>

(Ayrshire)

1488x1508 granted by third (less probably, first) earl to Alexander Hepburn of  
Whitsome

***Lands of the abbey of Melrose***<sup>107</sup>

(Roxburghshire)

3 April 1561 obligation by Michael Balfour to give to James, earl Bothwell, the whole  
lands of Melrose in feu  
January 1562 granted to John Stewart, lord Darnley (fifth earl's father) along with the  
fourth earl's lands in Teviotdale - no known evidence

***Lands of Mersington***<sup>108</sup>

(Berwickshire)

part of barony of Hailes by 1371

<sup>102</sup> *RMS*, iii, no 833; *HMC, Twelfth Report*, app. viii, 98.

<sup>103</sup> *RMS*, v, no 2036; *RSS*, vi, no 865.

<sup>104</sup> *RMS*, v, no 2036; *RSS*, vi, no 865.

<sup>105</sup> *NLS*, MS14542, f.118r; *RMS*, ii, nos 2522, 3635; v, nos 216, 1316, 1888; *SRO*, GD150/1413.

<sup>106</sup> *RSS*, iv, no 193.

<sup>107</sup> 'Letters of Agnes, countess of Bothwell', *Bannatyne Miscellany*, iii, 306; see above, pages 107-8.

<sup>108</sup> see above, page 28.



**Lands of Monynetts**<sup>109</sup>

(Berwickshire)

20 December 1451 part of the barony of Hailes in the grant of lordship

**Lands of Mordington**<sup>110</sup>

(Berwickshire)

part of barony of Hailes by 1371

**Lands of Mowislands** [two husbandlands in the toun of Whittingham]<sup>111</sup>

(Haddingtonshire)

18 October 1539 sold by the third earl to Patrick Hepburn, son of Patrick Hepburn of Bolton

22 February 1564 reversion by said Patrick Hepburn (no further details)

**Lands of Murehouse**<sup>112</sup>

(Edinburghshire)

13 October 1488 part of the earldom of Bothwell in the grant of earldom

10 February 1498 granted to Robert Lundy of Balgony in blench ferme

20 August 1501 granted to Patrick Home of Polwarth and Ellen Shaw, lady Dirleton, his spouse

27 August 1511 in grant of earldom to second earl

10 January 1568 in grant to Francis Stewart

16 June 1581 described as *lands of Murehouse and Capriston* in grant of earldom to fifth earl29 July 1587 in *de novo* grant of earldom to fifth earl

26 June 1591 in grant of earldom to Ludovick, duke of Lennox

1 July 1591 granted as *lands of Murehouseton* to George Hamilton of Preston; having been held by Thomas Inglis of Murehouseton and his predecessors of the earls Bothwell in blench ferme**Lands of Pitcox**<sup>113</sup>

(Haddingtonshire)

27 August 1511 in grant of earldom to second earl

16 June 1581 in grant of earldom to fifth earl

29 July 1587 in *de novo* grant of earldom to fifth earl

26 June 1591 in grant of earldom to Ludovick, duke of Lennox

**Lands of Reston** [half ploughgate in Reston]<sup>114</sup>

(Berwickshire)

20 December 1451 part of the barony of Hailes in the grant of lordship

**Lands of Rollandston**<sup>115</sup>

(Berwickshire)

20 December 1451 part of the barony of Hailes in the grant of lordship

11 August 1532 granted by third earl to William Hepburn of Rollandston

8 February 1574 tack to Andrew Ker of Fawdonside of the teinds of Rollandston which had previously belonged to the (now forfeit) lord Home

1 February 1592 grant to George Hamilton in Preston of the lands of Rollandston which the said George and his predecessors held of the earls Bothwell

<sup>109</sup> *RMS*, ii, no 513. Apparently, different from Monynetts in Haddingtonshire held by the lords Home, *RMS*, ii, 2211.

<sup>110</sup> see above, page 30.

<sup>111</sup> 'Letters and Articles of Patrick, earl of Bothwell', *Bannatyne Miscellany*, iii, 417-8.

<sup>112</sup> NLS, MS14542, f.118r; *RMS*, ii, nos 1784, 2452, 2594, 3635; v, no 218, 1316, 1888, 1889; *RSS*, i, no 339; vi, no 97.

<sup>113</sup> *RMS*, ii, no 3635; v, no 218, 1316, 1888.

<sup>114</sup> *RMS*, ii, no 513.

<sup>115</sup> *ibid.*, no 513; v, no 2037; *RSS*, vi, no 2315; SRO, GD158/98.

**Lands of Sprouston**<sup>116</sup>

(Roxburghshire)

	1583	purchased by fifth earl
15 January	1592	granted to Robert Ker, younger of Cesford

**Lands of Terrauchtie**<sup>117</sup>

(Kirkcudbrightshire)

10 January	1568	in grant to Francis Stewart
16 June	1581	in grant of earldom to fifth earl

**Lands of Teindside, Harwood, Slaidhills and Carlingpool**<sup>118</sup>

(Roxburghshire)

10 January	1568	in grant to Francis Stewart
16 June	1581	in grant of earldom to fifth earl
29 July	1587	in <i>de novo</i> grant of earldom to fifth earl
26 June	1591	in grant of earldom to Ludovick, duke of Lennox
28 January	1592	grant to James Douglas of Drumlanrig of <i>Teindside, Carlingpool, Harwoodhill, Over Harwood, Nether Harwood</i> , and other lands in and around Hawick

**Lands of Uggingis, Selsait, Thome and Cocklaw**<sup>119</sup>

(Roxburghshire)

17 March	1567	sasine of lands to fourth earl
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**(Part) Lands of Yester**<sup>120</sup>

(Haddingtonshire)

10 January	1568	in grant to Francis Stewart
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<sup>116</sup> RMS, v, no 2018; HMC, *Twelfth Report*, app. viii, 163–4; Hamilton, G (ed.), *A History of the House of Hamilton* (Edinburgh, 1933), 760.

<sup>117</sup> NLS, MS14542, f.118r; RMS, v, nos 218, 1316; RSS, vi, no 97.

<sup>118</sup> NLS, MS14542, f.118r; RMS, v, no 218, 1316, 1888, 2034.

<sup>119</sup> SRO, GD26/15/1.

<sup>120</sup> RSS, vi, no 97.



## **OFFICES**

### ***Office of Great Admiral of the Realm***<sup>121</sup>

27 August	1511	in grant of earldom to second earl
16 June	1581	in grant of earldom to fifth earl
29 July	1587	in grant of earldom to fifth earl

### ***Office of Sheriff Principal of Edinburgh, Sheriff Principal of Edinburgh within the Constabulary of Haddington and Bailie of Lauderdale***<sup>122</sup>

27 August	1511	in grant of earldom to second earl
16 June	1581	in grant of earldom to fifth earl

### ***Office of Sheriff Principal of Berwick***<sup>123</sup>

16 June	1581	in grant of earldom to fifth earl
2 February	1592	resigned by duke of Lennox to lord Home

## **ECCLESIASTICAL PATRONAGE**

*see chapter 7*

<sup>121</sup> *RMS*, ii, no 3635; v, nos 216, 1316, 1888.

<sup>122</sup> *RMS*, ii, no 3635; v, nos 1316, 1888.

<sup>123</sup> *HMC, Twelfth Report*, app. viii, 112.

*Appendix 5: style of earl Bothwell*

Throughout this thesis, the style adopted when addressing Francis Stewart consistently has been 'earl Bothwell', as opposed to 'earl of Bothwell'. This reflects contemporary, vernacular usage. It is not clear why such a contraction came to be used - the style is not a family name as in 'earl Douglas', the contemporary style of the leading fifteenth century Douglas family, which is the normal reason for any such contraction. The most likely explanation concerns the adoption of the style from a previously granted lordship: in the 1480s, John Ramsay was created lord of parliament as 'lord Bothwell' and so the earldom took the same style. This is consistent with earlier grants of lordships which later also became comital titles, for example the style of 'lord Damley' transformed to earl Damley when held by Ludovick, second duke of Lennox.<sup>1</sup> (There are exceptional cases - excluding earl Marischal - when other earls are styled without an 'of' but this would appear to be contraction for contraction's sake).<sup>2</sup>

There is one paradox with the Bothwell earldom, however. When any document was written in Latin, the style adopted was 'comes de Boduel', thus meaning that anyone translating into English would naturally insert an 'of'. A good demonstration of this is when the earls signed documents written in Latin when both styles were used in the one document.<sup>3</sup>

It was not solely the fifth earl who adopted the style - it had been so used by all of the preceding Hepburn earls, examples of which are Patrick, first earl Bothwell;<sup>4</sup> Patrick, third

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<sup>1</sup> SRO, PS1/56, f. 57v.

<sup>2</sup> Examples include: earl Angus, *CBP*, i, no 513; earl Atholl, *CSP Scot*, viii, no 183; *CBP*, i, no 516; earl Crawford, *CSP Scot*, ix, no 584; x, no 2; *CBP*, i, nos 188, 586; earl Eglinton, *LJC*, 3-4; earl Erroll, *CBP*, i, no 641; earl Glencairn, *CSP Scot*, viii, no 183; earl Huntly, *LJC*, 3-4; *CSP Scot*, viii, no 304; ix, nos 583, 584; x, nos 2, 19; *CBP*, i, nos 188, 513, 516, 524, 540, 586, 620, 641, 642; earl Mar, *CBP*, i, no 641; earl Montrose, *CSP Scot*, ix, nos 384, 584; *CBP*, i, no 188; earl Moray, *CSP Scot*, ix, no 117; earl Morton, *CSP Scot*, viii, nos 183, 241, 304; ix, no 117; x, no 2; and earl Rothes, *CSP Scot*, viii, nos 183, 193.

<sup>3</sup> SRO GD1/200/1; GD1/146/22.

<sup>4</sup> SRO, GD25/1/152, GD25/1/153; GD124/1/3, GD124/1/544; *CSP Scot*, i, nos 10, 104, 149, 168, 242, 306, 311, 355; *RSS*, ii, no 174.



earl bothwell;<sup>5</sup> and James, fourth earl Bothwell.<sup>6</sup> In terms of Francis Stewart, fifth earl Bothwell it was not only official documents which recognised the nature of the style - in Latin<sup>7</sup> and Scots<sup>8</sup> - but also the majority of contemporary correspondents<sup>9</sup> (only a few exceptions are known and it would seem safe to put these down to errors of transcription or ignorance).<sup>10</sup>

<sup>5</sup> For example, *TA*, v, 262, 263, 318, 319, 373, 385, 386, 447; vi, 56; vii, 160; viii, 171, 184, 189, 193, 257, 321, 382, 401, 403; ix, 44, 80, 132, 414, 429, 430; *RSS*, ii, nos 1696, 1707, 3647; iii, nos 618, 2605; iv, no 2572, 2582, 2651, 2652, 2792, 2806, 2844, 3117, 3165; *Hamilton Papers*, ii, nos 81, 110, 288, 379, 410, 412, 466, 469, 581, 628; Calderwood, i, 112; Knox, *History*, i, 67-71.

<sup>6</sup> For example, *SRO*, AC1, ff. 33r, 37v; GD224/997/1/4; RD1/2, 420; *CBP*, i, nos 5, 528; *RSS*, v, nos 750, 2354, 2387, 2512, 2962, 3303; vi, nos 98, 899; *RPC*, i, 183, 217, 378, 402, 504, 520; Calderwood, i, 548, 549, 560; ii, 162, 174, 177, 286; *BUK*, 131; Knox, *History*, ii, 33-42. (Knox's continuator was not as regular in his form of address and frequently styled him 'earl of Bothwell', see Knox, *History*, i, 258, 275; ii, 144, 168, 178).

<sup>7</sup> For example, *NLS*, MS 6111; *SRO*, GD1/413/24/1, GD1/413/24; PS1/53, ff. 79, 80, 161; PS1/54, f.41; PS1/60, f. 65; RH6/2755, RH6/3008, RH6/3014, RH6/3117, RH6/3123, RH6/3132; SC40/7/3, 84, 113; *RMS*, v, nos 981, 1172, 1316, 1516, 1597, 1650, 1715, 1716, 1720, 1732, 1824, 1837, 1859, 1878, 1880, 2126, 2168.

<sup>8</sup> For example, *NRA(S)* 5, 90; *NLS*, MS 9931; *SRO*, CS1/3/2, 212; GD1/413/24; GD1/811/10, GD1/811/12; GD30/941; GD90/1/199; GD105/133, GD105/135; GD124/8/216; GD224/887/19/2; PS1/45, f. 113; *SRO*, PS1/46, f. 3; PS1/50, f. 29; PS1/52, f. 132; PS1/53, ff. 39, 70, 75, 81, 109, 139, 182; PS1/54, f. 151; PS1/61, f. 14; RD1/23/88, RD1/23/124, RD1/26/306, RD1/28/62, RD1/31/51, RD1/31/75, RD1/31/137, RD1/31/168, RD1/31/423, RD1/34/103, RD1/35/114, RD1/36/271; RH6/2488, RH6/2506, RH6/2510, RH6/2516, RH6/2578, RH6/2713, RH6/3004, RH6/3009, RH6/3060; *RMS*, v, no 906.

<sup>9</sup> For example, *SRO*, GD1/371/3, 260; *CSP Scot*, viii, nos 8, 100, 183, 184, 274; ix, no 12, 160, 185, 227, 310, 384, 396, 436, 455, 465, 489, 584; x, nos 13, 401; *CBP*, i, nos 186, 188, 292, 376, 388, 393, 422, 448, 516, 520, 523, 525, 536, 560, 570, 572, 586, 620, 642, 657, 678, 700, 702, 709.

<sup>10</sup> For example, *CSP Scot*, ix, no 597; *CBP*, i, nos 415, 447.

*Appendix 6: the barony of Bothwell*

The lands of the barony of Bothwell meant little to Francis Stewart, save that they provided him with some rents. There is considerable confusion over the tenure of the barony of Bothwell: the earls of Angus (one of whom had excambioned part of the barony with the first earl Bothwell in 1492) held the regality of the lordship - although they were unable to pay the non-entry dues and so did not have complete tenure; the duc de Châtelherault co-ordinated the Hamilton holdings within the barony and grant of the non-entries due to the crown (later incorporated as the baronies of Bothwellmuir and Bothwellhaugh); and the earls Bothwell retained some of the lands (a proportion of which were alienated under the third and fourth earls).

*Key:* i Each date relates to a separate charter concerning the barony of Bothwell. **A** = Angus barony; **B** = Bothwell barony; **H** = Hamilton/Arran/Châtelherault barony.



	1463	1472	1477	1488	1492	1492	1498	1510	1511	1526	1528	1528	1534	1539	1540	1540	1543	1547	1547	1568	1574	1580	1581
	H	H		B	A	H	B	A	B	H	H	H	H	H	H	A	A	B	A	B	A	H	B
Regality of Bothwell																							
Barony or lordship of Bothwell				✓			✓	✓	✓	✓		✓					✓		✓				✓
Lands and lordship of Bothwell				✓			✓		✓		✓												
Airkenhead			✓				✓																
Alderston			✓				✓																
Auchinloy																							
Barmukhill														✓									✓
Barmukhole																							✓
Bertramshottis																							✓
Blackethills				✓			✓						✓										
Bothwell castle and manor				✓	✓		✓	✓					✓										
Bothwell cotlands				✓			✓						✓										
Bothwell Meadow		✓		✓			✓						✓										✓
Bothwell Park				✓			✓						✓										
Bothwell vill				✓			✓						✓										
Bothwellhaugh		✓		✓			✓																✓
Bothwellmuir <sup>1</sup>	✓			✓			✓							✓									✓
Camebo																							
Carphin																							
Cleland town																							
Clyde fishings				✓			✓						✓										
Couldoun and Burnthouse <sup>2</sup>	✓			✓			✓							✓									✓
Dunington (Over and Nether)													✓										✓
Duntelling																							✓
Eastend of Moffathills	✓																						✓
East Barmukis		✓		✓			✓							✓									✓
Fortesset		✓		✓			✓							✓									✓
Forestburn														✓									✓
Gartnes		✓		✓			✓						✓										✓
Gimmerscroft																							
Gimmerscroft Mill																							✓
Guddockhills		✓		✓	✓		✓																

<sup>1</sup> After 1539, ‘lands and lordship of Bothwellmuir’, in Hamilton possession.

<sup>2</sup> called ‘The Forest’

	1463	1472	1477	1488	1492	1492	1498	1510	1511	1526	1528	1528	1534	1539	1540	1540	1543	1547	1547	1568	1574
Hartwood																					
Hirst	✓		✓	✓			✓							✓						✓	
Jerviston																					✓
Jerviston annual			✓				✓							✓							
Jewishill																					✓
Kennedisknock														✓							✓
Kirklee							✓														
Kirklee annual			✓				✓														
Knockhubhill			✓			✓															
Lauchope																				✓	
Little Hareshaw																				✓	
Little Hareshaw annual			✓				✓														
Meikle Hareshaw			✓			✓					✓										
Moffehills (East & West)			✓				✓														✓
Muirhead		✓		✓			✓							✓							✓
Murthowston																				✓	
Nether Breco	✓		✓				✓							✓							✓
Neilsland																					✓
Newlands			✓			✓															
Orcaswood (Orcasland)																				✓	
Ordeston																					✓
Over Breco <sup>3</sup>	✓		✓				✓								✓						✓
Parkhill		✓		✓			✓														
Parkshaws acres		✓		✓			✓														
Parkshaws Common		✓		✓			✓														
Pauperhills														✓							✓
Poffillis			✓			✓															
Potterland annual			✓				✓														
Richardyoungston			✓			✓															
Shaws			✓			✓															
Sheriffhills			✓			✓															
Stanehill																					✓
Starrishaw		✓		✓										✓							✓
Stevenston																					✓

<sup>3</sup> later (1580) designated, along with Nether Breco as ‘Easter, Wester and Middle Breco’.



	1463	1472	1477	1488	1492	1492	1498	1510	1511	1526	1528	1528	1534	1539	1539	1540	1540	1543	1547	1547	1568	1574	1580	1581
Sweethope mill			✓				✓																	
Sweethope vill of Bothwell			✓	✓			✓																	
Swinedy		✓	✓	✓	✓		✓																	
Tailorland annual			✓	✓			✓																✓	
Taitserknock																								
Uddingston cotlands			✓				✓																	
Uddingston mill			✓	✓		✓	✓																	
Uddingston vill			✓	✓		✓	✓																	
Unthank			✓			✓																		
Wester Barmukis		✓		✓			✓							✓										
Wester Breco		✓		✓			✓																	
Woodhead			✓			✓																		
Provosty of Bothwell				✓			✓																	✓
Church of Bertramshotts				✓			✓																	✓
Prebendary of Cruikburn				✓			✓												✓					
Prebendary of Hawick				✓			✓																	✓
Prebendary of Hazeldean				✓			✓												✓					
Prebendary of Kittymuir				✓			✓												✓					
Prebendary of Netherfield				✓			✓												✓					
Prebendary of Netheron				✓			✓												✓					
Prebendary of Newton				✓			✓												✓					
Prebendary of Overton				✓			✓												✓					
Prebendary of Stanehouse				✓			✓																	
	1463 4	1472 5	1477 6	1488 7	1492 8	1492 9	1498 10	1510 11	1511 12	1526 13	1528 14	1528 15	1534 16	1539 17	1539 18	1540 19	1540 20	1543 21	1547 22	1547 23	1568 24	1574 25	1580 26	1581 27

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<sup>4</sup> HMC, *Eleventh Report*, app. vi, 18. To James, lord Hamilton, 15 May 1463.

<sup>5</sup> *RMS*, ii, no 1054; HMC, *Eleventh Report*, app. vi, 19. To James, lord Hamilton, 26 February 1472.

<sup>6</sup> *RMS*, ii, no 1307. To Lord Lyon, King of Arms, 12 September 1477.

<sup>7</sup> *RMS*, ii, no 1784. To Patrick, lord Hailes, 13 October 1488.

<sup>8</sup> *RMS*, ii, no 2106. To Archibald, earl of Angus, 4 July 1492.

<sup>9</sup> *RMS*, ii, no 2311. To Beatrice Drummond, 11 May 1492.

<sup>10</sup> *RMS*, ii, no 2452. To Patrick, earl Bothwell, 12 September 1498.

<sup>11</sup> *RMS*, ii, no 3413. To Janet Kennedy, wife of Archibald, earl of Angus, 7 February 1510.

<sup>12</sup> *RMS*, ii, no 3635. To Adam, earl Bothwell, 27 August 1511.

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<sup>13</sup> HMC, *Eleventh Report*, app. vi, 217. To James Hamilton of Finnart (from Archibald, earl of Angus), 26 October 1526.

<sup>14</sup> RMS, iii, no 674. To Mathew Hamilton, following forfeiture of Archibald, earl of Angus, 6 September 1528.

<sup>15</sup> HMC, *Eleventh Report*, app. vi, 20. To James, earl of Arran, 16 November 1528. For gift of non-entries, 18 April 1529, see RSS, ii, no 174.

<sup>16</sup> RMS, iii, no 1425. To James Stewart *senior*, illegitimate son of James V, following forfeiture of Archibald, earl of Angus, 28 October 1534.

<sup>17</sup> Beveridge (ed.), *Protocol Books of Thomas Johnstoun*, nos 201, 202. To James Hamilton of Finnart, 11 October 1539.

<sup>18</sup> RMS, iii, no 2045. Confirmation (of charter of 17 September 1539) to James Hamilton of Finnart, from Patrick, earl Bothwell, 6 December 1539. Created the lordship of Bothwellmuir. For gift of non-entries, 15 December 1539, see RSS, ii, no 3228.

<sup>19</sup> RMS, iii, no 2202; RSS, ii, nos 3646, 3647, 3648. To James, earl of Arran and incorporated into the lordship of Hamilton, 15 September 1540.

<sup>20</sup> RMS, iii, no 2233. To the crown, annexation of lands and superiority of Archibald, earl of Angus, 10 December 1540.

<sup>21</sup> RMS, iii, no 2891. To Archibald, earl of Angus, 9 April 1543.

<sup>22</sup> RMS, iv, nos 52, 53, 54. Confirmation of charters made with the consent of Patrick, earl Bothwell, 20 January 1547.

<sup>23</sup> RMS, iv, no 144. To Archibald, earl of Angus, 31 August 1547. Also, by annexation, the lands of Easter Dunsyre (with Dunsyre mill) and Wistoun in the sheriffdom of Lanarkshire and Todhollis, Trottschaw, Byrescleuch, Horshope, Hartshawmeadow, Summershiel and Kettishiel in the sheriffdom of Berwickshire.

<sup>24</sup> RMS, iv, no 1810. To Thomas Inglis of Murthowston, following forfeiture of James, earl Bothwell, 18 February 1568.

<sup>25</sup> RMS, iv, no 2248. To Archibald, earl of Angus, following forfeiture of James, earl Bothwell, 14 May 1574.

<sup>26</sup> RMS, v, no 5. To Andrew, lord Ochiltree, in liferent, and James Stewart (future earl of Arran), heritably, following forfeiture of John Hamilton, commendator of Arbroath, and Claud Hamilton, commendator of Paisley, 24 August 1580. Confirmed to James Stewart, earl of Arran, 22 April 1581, *ibid.*, no 167.

<sup>27</sup> RMS, v, no 218. To Francis, commedator of Kelso, 16 June 1581.



*Appendix 7: Border officials*

Rae, in his study of border administration prior to the union of the crowns, provided an extensive list of Border officials.<sup>1</sup> This current appendix, as well as providing a reference for holders of the major border offices - most of whom Bothwell had to deal with - also adds some further names and detail to Rae's list.

*Lieutenants of the Marches*<sup>2</sup>

1556	Patrick, 3rd earl Bothwell	
1559	James, 4th earl Bothwell	
1565	James, 4th earl Bothwell	
1574	Archibald, 8th earl of Angus	
1575	William, 4th lord Ruthven	
1577	Archibald, 8th earl of Angus	
1579-80	William, 4th lord Ruthven	
1580	Archibald, 8th earl of Angus	[east & middle]
1580	Colin, 6th earl of Argyll	[west]
1582	Francis, 5th earl Bothwell	[east & middle]
1584	Commission of lieutenancy	
1584	John Johnstone of that ilk	
1585	James Stewart, earl of Arran	
1586-88	Archibald, 8th earl of Angus	
1586-87	John, lord Hamilton	[west]
1589-90	John, lord Hamilton	
1597	Andrew, 3rd lord Ochiltree	

<sup>1</sup> Rae, *Administration of the Scottish Frontier*, 243-5.

<sup>2</sup> Chalmers, *Caledonia*, 454, 458; Fraser (ed.), *Douglas Book*, ii, 327; Hewitt, *Scotland under Morton*, 133; *RPC*, ii, 613; iii, 63; v, 424-5; *APC*, xi, 5; xii, 239-40; *CSP Scot*, v, no 512; vii, 138, 180, 181; viii, nos 59, 486; ix, nos 84, 149, 160, 172. 181, 203, 385; *CBP*, i, nos 67, 246, 465, 474, 523, 532, 534, 574.

Wardens of the MarchesDepute**East<sup>3</sup>**

1557-70	Alexander, 5th lord Home	1561	Home of Coldenknowis
1570-73	William, 4th lord Ruthven		
1573-78	James Home of Coldenknowis		
1578-80	George Home of Wedderburn		
1578-99	Alexander, 6th lord Home	1579-94	Home of Huttonhall
1599-1600	Alexander Home of Manderston		
1600-1603	Alexander, 6th lord Home	1600	Home of Manderston

**Middle<sup>4</sup>**

-1570	Walter Ker of Cesford		
1570-73	William Ker of Cesford		
1573-75	Sir John Carmichael of that ilk		
1575-76	William Ker of Cesford		
1576-78 [east]	William Ker of Cesford		
[west]	William Douglas of Bonjedburgh		
1578-80	William Ker of Cesford		
1580-81 [east]	William Ker of Cesford		
1580-81 [west]	John Carmichael of that ilk		
1581-84	William Ker of Cesford	1583	Ker of Greenhead
1584 [east]	William Ker of Cesford		
1584 [west]	John Johnstone of that ilk		
1584-85	Thomas Ker of Ferniehurst		
1585-94	William Ker of Cesford	1590-94	Ker, younger of Cesford
1594-03	Robert Ker of Cesford	1591	Ker of Fawdonside

<sup>3</sup> HMC, *Twelfth Report*, viii, 98-9; HMC, *Home of Wedderburn*, 49, 50, 52; HMC, *Milne-Home*, 50; *CSP For*, ix, no 686; *CSP Scot*, iii, no 483; vii, no 144; *RSS*, iv, no 2176; vii, no 1623; *RPC*, ii, 300; v, 552; vi 136; *CBP*, i, nos 121, 128, 572, 577; Hewitt, *Scotland under Morton*, 120; Rae, *Administration of the Scottish Frontier*, 243.

<sup>4</sup> *TA*, x, 347-8, 393, *CSP Scot*, i, no 532; v, nos 255, 277; vii, nos 40, 215, 411; *RSS*, vi, no 945; Meikle, *Lairds and Gentlemen*, ii, 517, 519; Spottiswoode, ii, 194; Tough, *Last Years of a Frontier*, 224; Hewitt, *Scotland under Morton*, 128-9; Fraser (ed.), *Douglas Book*, iv, 215-6; *RPC*, iii, 333, 345, 699; iv, 530; v, 178; vi, 187; *CBP*, i, nos 67, 239, 241, 245, 246, 258, 264, 265, 266, 270, 278, 282, 305, 336, 344, 395, 574; Rae, *Administration of the Scottish Frontier*, 244.



Wardens of the Marches

Depute

West <sup>5</sup>	
1557-68	John, 4th lord Herries
1568	James Douglas of Drumlanrig
1568-73	vacant
1573-77	John, 8th lord Maxwell
1577-78	Archibald, 8th earl of Angus
1578-79	John, 8th lord Maxwell
1579	John, 4th lord Herries
1579-81	John Johnstone of that ilk
1581-82	John, 8th lord Maxwell
1582-85	John Johnstone of that ilk
1585-87	John, 8th lord Maxwell or vacant
1587-88	William, 5th lord Herries
1588	Archibald, 8th earl of Angus
1588-92	John Carmichael of that ilk
1592-93	John, 8th lord Maxwell
1593-94	Commission of lairds
1594	William, 5th lord Herries
1594	John, Lord Hamilton
1594-96	William, 5th lord Herries
1596	Commission of lairds
1596-97	James Johnstone of that ilk
1597-98	Andrew, 3rd lord Ochiltree
1598-99	William, 10th earl of Angus
1599-1600	John Carmichael of that ilk
1600	William, 5th lord Herries
1600-03	James Johnstone of that ilk

<sup>5</sup> *ER*, xix, 414; *RPC*, ii, 613, 631; iii, 76, 207, 374-6, 531; iv, 322, 767; v, 292, 304, 424-5, 466; vi, 33, 117-8, 155; *CSP Scot*, ii, no 717; v, no 230; viii, no 504; Tough, *Last Years of a Frontier*, 241, 284-5; *RSS*, vi, no 2116; vii, no 1622; Spottiswoode, ii, 194-5; Fraser (ed.), *Annandale*, i, 40-1; *CBP*, i, nos 103, 305, 340, 392, 409, 441, 443, 481, 512, 653; ii, nos 11, 739, 1196; Hewitt, *Scotland under Morton*, 126; Rae, *Administration of the Scottish Frontier*, 245.

**Keepers of Liddesdale***(the title dates from around 1532 i.e. the first appointment who was not already Lord of Liddesdale)***Keeper<sup>6</sup>****Depute (or Keeper of Hermitage)**

1488-91	Archibald, 5th earl of Angus	
1491-08	Patrick, 1st earl Bothwell	
1508-13	Adam, 2nd earl Bothwell	
1513-32	Patrick, 3rd earl Bothwell	1513-32 Patrick, master of Hailes
1526-27	Archibald, 6th earl of Angus?	
1532-33	James Sandilands of Calder	
1533-34	Robert, 5th lord Maxwell	
1534-35	Patrick, 3rd earl Bothwell	1534-35 Patrick, master of Hailes
1535-36	Robert, 5th lord Maxwell	
1536-37	Malcolm, 3rd lord Fleming	
1537-38	Robert, 5th lord Maxwell	1537-43 Robert Johnston
1538	3rd earl Bothwell	
1543-50	3rd earl Bothwell	1543-50 Patrick, master of Hailes Elliot of Redheugh
1550-52	Walter Scott of Branxholm	
1552-54	vacant?	
	Michael Balfour?	
1554	John Maxwell of Terregles	
1555?	James Haliburton	
1556	Patrick, 3rd earl Bothwell	
1556-59	James, 4th earl Bothwell	
1559-62	John, 6th lord Borthwick	
1562	Alexander, 5th lord Home	
1562-65	John Stewart of Traquair	1563 Elliot of Redheugh
1565-67	James, 4th earl Bothwell	
1567-73	vacant?	
	John, 4th lord Herries ?	1569 Elliot of Braidlie
1573-75	John Carmichael of that ilk	
1575	Archibald, 8th earl of Angus	
1575-78	John Carmichael of that ilk	
1578	Alexander Home of Manderston	
1578-81	John Carmichael of that ilk	1578-81 Elliot of Redheugh
1581-83	William Ker of Cesford	1581-83 Ker of Fawdonside; Ker of Greenhead
1584	John Johnstone of that ilk	
1584-85	Thomas Ker of Ferniehurst	
1585-91	Francis, 5th earl Bothwell	1591 Stewart of Traquair
1591	Ludovick, duke of Lennox	
1591	Walter Scott of Buccleuch	
1591-92	Robert Ker, younger of Cesford	
1592-94	Ludovick, duke of Lennox	1592-94 Ker of Ferniehurst; Ker of Cesford
1594→	Walter Scott of Buccleuch	1594→ Scott of Goldilands; Scott of Haining

<sup>6</sup> *RPC*, iii, 47, 333, 345, 699; Chalmers, *Caledonia*, 449; Tough, *Last Years of a Frontier*, 224, 244; Hewitt, *Scotland under Morton*, 36; Rae, *Administration of the Scottish Frontier*, 244-5; *CBP*, i, nos 72, 103, 127, 161, 190, 202(2), 204, 214, 217, 234, 246, 256, 265, 270, 359, 379, 409, 421, 491, 500, 525, 555, 557, 563, 568, 574, 709, 714, 723, 729, 743; *TA*, xiii, 51; Meikle, *Lairds and Gentlemen*, ii, 509, 518-9; *CSP Scot*, v, nos 277, 373; vii, no 411; ix, no 436



# Pagination Error

*Appendix 8: servants, reported friends and associates, 1562-95*

This appendix attempts to recreate, from a number of sources, the household and affinity of Francis Stewart. Lacking a charter chest for the earl, this is a difficult process and only a fraction of the earl's household can be included (note, for example, the lack of women in the list provided). While it is dangerous to make too many assumptions on patchy evidence, a number of points become clear: the close focus of supporters around the earl's possessions in Lothian and on the border; the consistency of support by a large number of families; the continued links with servitors and associates of not only the Hepburn earls Bothwell (including some junior members of Hepburn scions) but also of James Douglas, regent Morton. [Note: not every document mentioning particular people in certain positions has been listed.]

Curators

David Collace	23 September 1583 <sup>1</sup>
John Collace	23 September 1583 <sup>2</sup>
Archibald Douglas, 8th earl of Angus	8 June 1577 - 23 September 1583 <sup>3</sup>
James Douglas, regent Morton	8 June 1577 <sup>4</sup>

Officials

William Auchincraw	chamberlain of Coldingham	5 January 1588 - 14 July 1589 <sup>5</sup>
John Bellenden	administrator of Kelso	14 February 1575 - 30 May 1576 <sup>6</sup>
Nicol Cairncross	bailie depute of Lauderdale	1585 <sup>7</sup>
Robert Cathcart, writer	clerk to Edinburgh sheriffdom	10 February 1586 <sup>8</sup>
	admiral clerk	14 November 1589 <sup>9</sup>
Adam Chatto	sub-prior of Kelso	8 September 1569 <sup>10</sup>
Peter Dishington	factor of Kelso	May 1566 <sup>11</sup>

<sup>1</sup> SRO, GD1/413/24/4. 'of Auchinfarslie'. A confirmation so dated later than normal curatorial documents. Younger brother of John Collace of Balnamone. David Collace had previously been a servitor to regent Morton, *RMS*, v, no 229.

<sup>2</sup> SRO, GD1/413/24/4. 'of Balnamone'. A confirmation so dated later than normal curatorial documents.

<sup>3</sup> SRO, CS7/70 (unpaginated); GD1/413/24

<sup>4</sup> SRO, CS7/70 (unpaginated).

<sup>5</sup> SRO, RD1/31/33, RD1/32/423; RH6/3014. He is erroneously listed in the first two handlists as 'William Crawford'.

<sup>6</sup> SRO, RD1/14/11; *RMS*, v, no 229. 'of Auchnoull'. Bellenden was dead by the time the second document was registered.

<sup>7</sup> Meikle, *Lairds and Gentlemen*, 470.

<sup>8</sup> *Laing Charters*, no 1109.

<sup>9</sup> SRO, RD1/40/213.

<sup>10</sup> SRO, RH6/2160.

<sup>11</sup> *TA*, xi, 502.



James, regent Morton	chamberlain of Kelso	May 1566 <sup>12</sup>
William Douglas	tutor	14 February 1574 - 12 December 1577 <sup>13</sup>
James Fowlis	chamberlain of Kelso	30 May 1576 <sup>14</sup>
John Gibson	sheriff depute of Edinburgh	1589 <sup>15</sup>
Laurence Gray	bailie of Crichton	27 December 1591 <sup>16</sup>
John Greig	bailie of Coldingham	14 July 1589 <sup>17</sup>
Herbert Herries	bailie of Stonypath, Lanarkshire	12 November 1588 - 26 March 1591 <sup>18</sup>
Walter Ker	bailie of Terrauchtie	25 June 1590 <sup>19</sup>
William Learmonth	bailie of Kelso	8 December 1571 - 1591 <sup>20</sup>
William Lumsden	bailie depute of Kelso	30 May 1576 <sup>21</sup>
Alexander Simpson	administrator of Kelso	8 September 1569 <sup>22</sup>
Robert Stewart	clerk to Haddington constabulary	10 February 1586 <sup>23</sup>
Edward Thomson	macer in Edinburgh sheriff court	28 November 1588 <sup>24</sup>
John Wood	sheriff depute of Edinburgh	1589 <sup>25</sup>
	bailie	14 April 1586 <sup>26</sup>

### Servitors

Alexander Agnew	9 October 1586 <sup>27</sup>
John Aitken	31 March 1576 - 1 September 1578 <sup>28</sup>
John Bog	14 April 1586 - 12 November 1588 <sup>29</sup>
Walter Buchanan	16 February 1591 <sup>30</sup>
Nicol Cairncross	12 November 1588 <sup>31</sup>
Robert Cathcart	28 November 1588 <sup>32</sup>
David Chalmer	14 April 1586 <sup>33</sup>
Ninian Chirnside	16 June 1589 - 13 February 1591 <sup>34</sup>
Alexander Cockburn	2 June 1587 <sup>35</sup>
Peter Collace	1 March 1584 - 25 June 1590 <sup>36</sup>
Alexander Cook	30 May 1583 - 31 March 1591 <sup>37</sup>
Thomas Cranston	3 December 1589 <sup>38</sup>

<sup>12</sup> *ibid.*, 502.

<sup>13</sup> SRO, RD1/14/011; RSS, vii, nos 56, 1322; RMS, v, no 229.

<sup>14</sup> RMS, v, no 229.

<sup>15</sup> SRO, RH6/3010.

<sup>16</sup> Calderwood, v, 142.

<sup>17</sup> SRO, RH6/3014.

<sup>18</sup> SRO, RH6/3117.

<sup>19</sup> SRO, RH6/3123.

<sup>20</sup> SRO, RH6/2234; RMS, iv, no 1988. 'of Cesford'.

<sup>21</sup> RMS, v, no 229.

<sup>22</sup> SRO, RH6/2160.

<sup>23</sup> *Laing Charters*, no 1109.

<sup>24</sup> SRO, RD1/31/137.

<sup>25</sup> SRO, RH6/3010.

<sup>26</sup> SRO, GD1/413/24.

<sup>27</sup> NLS, MS 6111.

<sup>28</sup> RMS, iv, no 2652; v, no 229; SRO, RH6/2488.

<sup>29</sup> SRO, GD1/413/24; RH6/3117; RMS, v, no 1878.

<sup>30</sup> RMS, v, no 1824.

<sup>31</sup> SRO, RH6/3117.

<sup>32</sup> SRO, RD1/31/137.

<sup>33</sup> SRO, GD1/413/24. 'of Orme'.

<sup>34</sup> SRO, PS1/60, 14r; RD1/40/88.

<sup>35</sup> RMS, v, no 2126.

<sup>36</sup> SRO, RH6/2713, RH6/3014, RH6/3123; GD1/413/24; NLS, MS 6111; RMS, v, no 2126.

<sup>37</sup> SRO, RH6/3014, RH6/3123; GD1/413/24/4; GD224/887/19/2; RMS, v, nos 1516, 1837.

Peter Dishington		6 April 1566 <sup>39</sup>
David Edmeston		29 October 1586 <sup>40</sup>
John Hamilton	younger of Samuelston	12 November 1588 <sup>41</sup>
James Hepburn		30 May 1583 - 25 June 1590 <sup>42</sup>
Patrick Hepburn	younger of Riccarton	12 November 1588 <sup>43</sup>
Robert Hepburn	parson of Hauch	1 September 1578 - 13 February 1588 <sup>44</sup>
Alexander Home	of Peilhaugh	20 May 1589 <sup>45</sup>
Mr John Kene		1 March 1584 <sup>46</sup>
William Learmonth	of Hill	16 June 1586 <sup>47</sup>
Alexander Liddell		30 May 1583 - 3 November 1584 <sup>48</sup>
David Orme	of Priorletham	14 April 1586 - 13 July 1592 <sup>49</sup>
Gilbert Penicuik		14 July 1589 <sup>50</sup>
Hercules Stewart		1 March 1584 - 19 April 1586 <sup>51</sup>
Robert Stewart		28 November 1588 <sup>52</sup>
Thomas Trotter		2 June 1587 <sup>53</sup>

### Interdictors

David Collace	of Auchinfarslie	31 March 1589 - 30 January 1591 <sup>54</sup>
John Collace	of Balnamone	20 March 1589 - 25 June 1590 <sup>55</sup>
James Durham	of Duntarvy	31 March 1589 - 30 January 1591 <sup>56</sup>
Robert Hepburn	parson of Hauch	31 March 1589 - 30 January 1591 <sup>57</sup>

### Notaries and legal officers

Alexander Cook	notary	24 July 1587 <sup>58</sup>
Robert Craig	notary	24 July 1587 <sup>59</sup>
William Home	procurator	4 April 1579 <sup>60</sup>
Mr John Kene	writer	10 September 1586 <sup>61</sup>
John Preston	advocate	24 July 1587 <sup>62</sup>

<sup>38</sup> SRO, PS1/60, f. 100v.

<sup>39</sup> SRO, RD1/08/286.

<sup>40</sup> RMS, v, no 1878.

<sup>41</sup> SRO, RH6/3117.

<sup>42</sup> SRO, RH6/2713, RH6/3123; GD1/413/24/4.

<sup>43</sup> SRO, RH6/3117.

<sup>44</sup> SRO, RD1/28/313; RH6/2488, RH6/2713, RH6/2755; GD1/413/24/4; NLS MS 6111. Also 'in Over Hailes' and 'of Duntarvy'.

<sup>45</sup> SRO, RH6/3009.

<sup>46</sup> SRO, RH6/2713.

<sup>47</sup> NLS, CH1008.

<sup>48</sup> SRO, GD1/413/24. Previously servitor to regent Morton, RMS, v, no 229.

<sup>49</sup> SRO, GD1/413/24; RMS, v, no 2123.

<sup>50</sup> SRO, RH6/3014.

<sup>51</sup> SRO, RH6/2713; GD1/413/24.

<sup>52</sup> SRO, RD1/31/137.

<sup>53</sup> RMS, v, no 2126.

<sup>54</sup> SRO, GD224/887/19/2; RH6/13/3008; RH6/13/3009; RH6/13/3123; RMS, v, 1880

<sup>55</sup> SRO, RH6/13/3008; RH6/13/3009; RH6/13/3123

<sup>56</sup> SRO, GD224/887/19/2; RH6/13/3008; RH6/13/3009; RH6/13/3123; RMS, v, 1880

<sup>57</sup> *ibid.*

<sup>58</sup> SRO, RD1/28/62; RMS, v, no 1516.

<sup>59</sup> *ibid.*

<sup>60</sup> SRO, RH6/2510. Brother of the laird of Ayton.

<sup>61</sup> NLS, MS 6111.

<sup>62</sup> SRO, RD1/28/62; RMS, v, no 1516.



Alexander Simpson	notary	10 October 1584 <sup>63</sup>
John Simpson	notary	10 October 1584 <sup>64</sup>

**Cautioners**

Patrick Brown	of Colstoun	24 March 1586 <sup>65</sup>
Samuel Cockburn	of Templehall	24 July 1587 <sup>66</sup>
David Collace	of Auchinfarslie	24 July 1587 <sup>67</sup>
James Durham	of Duntarvy	24 July 1587 <sup>68</sup>
John Gordon	of Lochinvar	24 July 1587 <sup>69</sup>
Henry Hepburn	of Westfortune	24 July 1587 <sup>70</sup>
Robert Hepburn	in Over Hailes	24 July 1587 <sup>71</sup>
George Lauder	of Bass	24 July 1587 <sup>72</sup>
James Lawson	of Humbie	24 March 1586 <sup>73</sup>

**Sureties**

William Auchincraw		28 April 1585; 5 January 1588; 17 March 1588 <sup>74</sup>
Alexander Baillie		28 April 1585 <sup>75</sup>
Robert Hepburn	in Over Hailes	28 April 1585 <sup>76</sup>
Robert Ker	younger of Duddingston	28 November 1584 <sup>77</sup>
Robert Learmonth	in Morham	28 April 1585 <sup>78</sup>
William Mantever		28 April 1585 <sup>79</sup>

**Clients**

John Collace	of Balnamone	17 September 1587 <sup>80</sup>
James Durham	of Duntarvy	28 April 1585 <sup>81</sup>
Edward Maxwell	younger of Calderwood	25 February 1586; 24 March 1586 <sup>82</sup>
James Maxwell	of Calderwood	25 February 1586; 24 March 1586 <sup>83</sup>
Alexander Oisteane	burgess of Edinburgh	17 March 1588 <sup>84</sup>
William Oisteane	burgess of Edinburgh	5 January 1588 <sup>85</sup>
William Sinclair	burgess of Edinburgh	19 September 1590 <sup>86</sup>

<sup>63</sup> SRO, RH6/2755.<sup>64</sup> *ibid.*.<sup>65</sup> SRO, RD1/24/124.<sup>66</sup> SRO, RD1/28/62; *RMS*, v, no 1516.<sup>67</sup> *ibid.*.<sup>68</sup> *ibid.*.<sup>69</sup> *ibid.*.<sup>70</sup> *ibid.*.<sup>71</sup> *ibid.*.<sup>72</sup> *ibid.*.<sup>73</sup> SRO, RD1/24/124.<sup>74</sup> SRO, RD1/24/58, RD1/31/33, RD1/32/423.<sup>75</sup> SRO, RD1/24/58.<sup>76</sup> *ibid.*.<sup>77</sup> SRO, RD1/31/75.<sup>78</sup> SRO, RD1/24/58.<sup>79</sup> *ibid.*.<sup>80</sup> SRO, RD1/31/51.<sup>81</sup> SRO, RD1/24/58.<sup>82</sup> SRO, RD1/24/88, RD1/24/124.<sup>83</sup> *ibid.*.<sup>84</sup> SRO, RD1/32/423.<sup>85</sup> SRO, RD1/31/33.<sup>86</sup> SRO, RD1/35/114.

Witnesses

Alexander Agnew		9 October 1586 <sup>87</sup>
John Aitken		31 March 1576 - 1 September 1578 <sup>88</sup>
Andrew Allan		1 July 1585 <sup>89</sup>
James Ancrum		8 September 1569 <sup>90</sup>
John Bog	in Innerwick	14 April 1586 - 26 March 1591 <sup>91</sup>
Nicol Cairncross		26 March 1591 <sup>92</sup>
David Chalmer	of Orme	14 April 1586 - 19 April 1586 <sup>93</sup>
Adam Chatto	sub-prior of Kelso	8 September 1569 <sup>94</sup>
Michael Chatto		8 September 1569 <sup>95</sup>
Ninian Chirnside		20 May 1589 <sup>96</sup>
Alexander Cockburn		2 June 1587 <sup>97</sup>
David Collace	of Auchinfarslie	30 May 1576 - 27 October 1587 <sup>98</sup>
Peter Collace	of Whithouse	1 March 1584 - 25 June 1590 <sup>99</sup>
Robert Collace	younger of Balnamone	28 October 1583 <sup>100</sup>
Alexander Cook		30 May 1583 - 30 January 1591 <sup>101</sup>
Robert Craig		27 October 1587 <sup>102</sup>
Mr Thomas Craig		28 October 1583 <sup>103</sup>
William Douglas	chamberlain of Kelso	31 March 1576 - 30 May 1576 <sup>104</sup>
John Dun		1 July 1585 <sup>105</sup>
James Durham	of Mullet	14 October 1584 <sup>106</sup>
Alexander Edingtoun		25 January 1589 <sup>107</sup>
David Edmestoun	of Wollmet	29 October 1586 <sup>108</sup>
John Edmestoun	of Ryeslaw	16 June 1586 <sup>109</sup>
Laurence Gray	bailie of Coldingham	25 January 1589 <sup>110</sup>
William Gray		25 January 1589 <sup>111</sup>
Alexander Hamilton	of Innerwick	28 October 1583 - 20 May 1589 <sup>112</sup>
John Hamilton	younger of Samuelston	28 October 1583 - 31 March 1591 <sup>113</sup>

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<sup>87</sup> NLS, MS 6111.

<sup>88</sup> *RMS*, iv, no 2652; v, no 229; SRO, RH6/2488.

<sup>89</sup> *RMS*, v, no 906.

<sup>90</sup> SRO, RH6/2160.

<sup>91</sup> SRO, RH6/3117; GD1/413/24; *RMS*, v, nos 1878, 2126.

<sup>92</sup> SRO, RH6/3117.

<sup>93</sup> SRO, GD1/413/24.

<sup>94</sup> SRO, RH6/2160.

<sup>95</sup> SRO, RH6/2160.

<sup>96</sup> SRO, RH6/3008.

<sup>97</sup> *RMS*, v, no 2126.

<sup>98</sup> *RMS*, v, nos 229, 906, 1516, 1878; NLS, CH1008.

<sup>99</sup> SRO, RH6/2713, RH6/3014, RH6/3123; GD1/413/24; NLS, MS 6111; *RMS*, v, no 1878.

<sup>100</sup> SRO, GD1/413/24.

<sup>101</sup> SRO, RH6/3014, RH6/3123; GD1/413/24; *RMS*, v, nos 1516, 1880, 2126.

<sup>102</sup> *RMS*, v, no 1516.

<sup>103</sup> SRO, GD1/413/24.

<sup>104</sup> *RMS*, iv, no 2652; v, no 229.

<sup>105</sup> *ibid.*, v, no 906.

<sup>106</sup> SRO, RH6/2755; *RMS*, v, no 1859.

<sup>107</sup> SRO, RH6/2992.

<sup>108</sup> *RMS*, v, no 1878.

<sup>109</sup> NLS, CH1008.

<sup>110</sup> SRO, RH6/2992.

<sup>111</sup> SRO, RH6/2992.

<sup>112</sup> SRO, RH6/3008; GD1/413/24.

<sup>113</sup> SRO, RH6/3117; GD1/413/24.



James Hepburn	of Mullet	30 May 1583 - 25 June 1590 <sup>114</sup>
Patrick Hepburn	younger of Riccarton	16 June 1586 - 26 March 1591 <sup>115</sup>
Robert Hepburn	of Duntarvy	1 September 1578 - 9 October 1586 <sup>116</sup>
Anthony Home		1 July 1585 <sup>117</sup>
David Home	of Godscroft	28 October 1583 <sup>118</sup>
Alexander Jardine		30 May 1576 <sup>119</sup>
Mr John Kene		1 March 1584 - 7 December 1588 <sup>120</sup>
Alexander Liddell		30 May 1583 - 3 November
1584 <sup>121</sup>		
George Littlejohn		31 March 1591 <sup>122</sup>
William Lumsden	administrator of Kelso	8 September 1569 <sup>123</sup>
James Maxwell	of Calderwood	28 October 1583 <sup>124</sup>
David Orme	of Priorletham	14 April 1584 <sup>125</sup>
William Ormiston	in Smailholmspittal	1 July 1585 <sup>126</sup>
Gilbert Penicuik		14 July 1589 <sup>127</sup>
Mr John Preston		28 October 1583 - 27 October 1587 <sup>128</sup>
John Seton	bailie of Haddington	14 October 1584 <sup>129</sup>
Thomas Seton	of Northrig	14 October 1584 <sup>130</sup>
Alexander Simpson		14 October 1584 <sup>131</sup>
John Simpson		14 October 1584 <sup>132</sup>
Thomas Simpson		8 September 1569 <sup>133</sup>
James Sinclair	of Markle	31 March 1591 <sup>134</sup>
Hercules Stewart	of Whitlaw	26 March 1579 - 19 April 1586 <sup>135</sup>
Adam Thomson		1 July 1585 <sup>136</sup>
Thomas Trotter		2 June 1587 <sup>137</sup>
Thomas Turner		8 September 1569 <sup>138</sup>
Mungo Webster		25 January 1589 <sup>139</sup>
Adam Wilkie		31 March 1591 <sup>140</sup>

<sup>114</sup> SRO, RH6/2713, RH6/3123; GD1/413/24.

<sup>115</sup> NLS, CH1008; SRO, RH6/3117.

<sup>116</sup> SRO, RH6/2488, RH6/2506, RH6/2713, RH6/2755; GD1/413/24; NLS, CH1008; MS 6111; *RMS*, v, no 1859.

<sup>117</sup> *RMS*, v, no 906.

<sup>118</sup> SRO, GD1/413/24.

<sup>119</sup> *RMS*, v, no 229.

<sup>120</sup> SRO, RH6/2713; GD105/135; NLS, MS 6111; *RMS*, v, no 906.

<sup>121</sup> SRO, GD1/413/24.

<sup>122</sup> SRO, RH6/3117.

<sup>123</sup> SRO, RH6/2160.

<sup>124</sup> SRO, GD1/413/24.

<sup>125</sup> *ibid.*

<sup>126</sup> *RMS*, v, no 906.

<sup>127</sup> SRO, RH6/3014.

<sup>128</sup> SRO, GD1/413/24; *RMS*, v, no 1516.

<sup>129</sup> SRO, RH6/2755; *RMS*, v, no 1859.

<sup>130</sup> *ibid.*

<sup>131</sup> *ibid.*

<sup>132</sup> *ibid.*

<sup>133</sup> SRO, RH6/2160.

<sup>134</sup> SRO, RH6/3117.

<sup>135</sup> SRO, RH6/2506, RH6/2713; GD1/413/24.

<sup>136</sup> *RMS*, v, no 906.

<sup>137</sup> *RMS*, v, no 2126.

<sup>138</sup> SRO, RH6/2160.

<sup>139</sup> SRO, RH6/2992.

Archibald Wilkie  
 Robert Wilkie  
 James Wilkinson                      at Newton Mill  
 John Wood

31 March 1591<sup>141</sup>  
 31 March 1576 - 30 May 1576<sup>142</sup>  
 1 July 1585<sup>143</sup>  
 30 May 1583 - 29 June 1586<sup>144</sup>

### Associates, 1586

The earliest list of Bothwell's followers forms part of the documents surrounding the Anglo-Scottish league at Berwick in June 1586. Besides the earl himself, there are forty other individuals who make up the earl's party. They represent the range of interests of the earl: besides close family (Hepburn and Stewart), there are household servants, close political associates, military and maritime representatives, administrators and recipients of comital patronage. While some of the individuals may have served a dual purpose in terms of representing royal authority at the same time, the vast majority of the individuals named are well known associates of Francis Stewart.

Francis Stewart, earl Bothwell	Mr Hercules Stewart of Whitlaw [half-brother]
Mr Robert Hepburn of Hauch [master of his house]	Lord of Lesmahagow [great-uncle]
David Collace	Sir William Sinclair of Roslin
Sir William Stewart of Monkton	Mr Samuel Cockburn of Templehall
Archibald Wauchop of Niddry Marischal, younger	Walter Cairncross of Luget Castle
John Hamilton of Samuelston, younger	Patrick Hepburn of Riccarton, younger
Laird of Milntown, younger	David Orme of Priorletham
Mr Gilbert Penicuik	Captain Waddell
Captain Renton	Mr Andrew Gray, brother to Lord Gray
Mr Robert Gray, brother to the master of Gray	Mr John Edmonston of Ryeslaw
Mr David Edmonston of Whelplaw, esquire	Mr David Edmonston of Wollmet
Mr Allan Orme of Dalry	Mr William Fowler of Hawick
Mr James Learmonth of St Andrews	Mr Ninian Chirnside of Whitsumlaws
Mr James Hepburn of Mainhill	Mr Peter Collace of Whithouse
Mr Archibald Chirnside	Mr John Bog
Mr Adam Fullerton	Oliver Sinclair of Ravensnake
Alexander Stewart of Blackness	James Lawson of Humble
Laird of Johnstonburn	Mr George Young, secretary
Mr William Cathcart, secretary	Mr David Lindsay
James Ker of Middlemestwall	George (Auchin)Craw of East Reston
William (Auchin)Craw of Swinewood	

<sup>140</sup> SRO, RH6/3117.

<sup>141</sup> *ibid.*

<sup>142</sup> RMS, iv, no 2652; v, no 229.

<sup>143</sup> RMS, v, no 906.

<sup>144</sup> SRO, GD1/413/24.



Besides their servants and office men of horse and carie; and besides those who attended lord Boyd and the laird of Coldenknowis<sup>145</sup>

Associates, 1591-5

The list which follows attempts to trace the continuance of association after the earl's disgrace. Not only is the earl's household included but there are also suspected friends, resettlers and clients. There are a number of problems with the sources, however, the elements of continuity and kinship again seem to be borne out.

- Assumptions:
- i. the first significant list of Bothwell's adherents follows the Holyrood raid of 27 December 1591; if the individual concerned took part in the raid and is known to have had a relationship with the earl prior to his disgrace in April 1591, it is assumed that their loyalty remained intact in the eight months immediately after the earl's disgrace; if, on the other hand, no previous link with the earl is known, the date of December 1591 is ascribed (although this does not imply that there was no link earlier than the raid).
  - ii. where there is suspected continuity of association a start and end date has been given; where association is liable to have had a short term, political motive, only the one date has been given.
  - iii. the dates given represent the evidence; this in no way indicates the depth of associations, indeed it is impossible to be clinical about when Bothwell did or did not associate with the individuals listed. The data below, therefore, should be treated with extreme caution and assumed to represent a transient list of alliances.

**SCOTTISH**

Anna, queen of Scots	September	1591	- March	1592 <sup>146</sup>
	November	1593	- December	1593 <sup>147</sup>
Ludovick Stewart, duke of Lennox	June	1591	- July	1591 <sup>148</sup>
	December	1591	- January	1592 <sup>149</sup>
	July	1593	- November	1593 <sup>150</sup>

<sup>145</sup> CSP Scot, viii, no 488. The earl of Rutland's immediate train was also forty strong and included his brother, comptroller, physician, chaplain, esquires, gentlemen of his household, chamber and horse, waiters, kitchen clerks, grooms of the chamber, apothecary and yeomen, *ibid.*, no 490.

<sup>146</sup> CSP Scot, x, nos 612, 652; Calderwood, v, 149.

<sup>147</sup> CSP Scot, xi, nos 175, 177, 189.

<sup>148</sup> *ibid.*, x, no 590, 595.

<sup>149</sup> *ibid.*, nos 627, 629, 646, 652; CBP, i, no 741; Moysie, *Memoirs*, 87.

<sup>150</sup> CSP Scot, xi, nos 98, 100, 101, 113, 114, 119, 122, 124, 148, 175, 177; Moysie, *Memoirs*, 103; Spottiswoode, ii, 433. Party to the second Holyrood raid.

Earls

Angus (William Douglas, 10th earl)	December	1591 <sup>151</sup>		
	June	1592	- September	1592 <sup>152</sup>
	April	1593	- August	1593 <sup>153</sup>
	June	1594	- January	1595 <sup>154</sup>
Argyll (Archibald Campbell, 7th earl)	April	1592 <sup>155</sup>		
	August	1593 <sup>156</sup>		
	April	1594 <sup>157</sup>		
Atholl (John Stewart, 5th earl)	June	1591	- July	1592 <sup>158</sup>
	July	1593	- July	1594 <sup>159</sup>
	September	1594 <sup>160</sup>		
Caithness (George Sinclair, 5th earl)	December	1591	- October	1592 <sup>161</sup>
	August	1593	- September	1593 <sup>162</sup>
	September	1594	- March	1595 <sup>163</sup>
Crawford (David Lindsay, 11th earl)	June	1592	- July	1592 <sup>164</sup>
	August	1593 <sup>165</sup>		
	August	1594	- September	1594 <sup>166</sup>
Erroll (Francis Hay, 9th earl)	June	1591	- December	1591 <sup>167</sup>
	June	1592	- September	1592 <sup>168</sup>
	November	1592	- April	1593 <sup>169</sup>
	June	1594	- January	1595 <sup>170</sup>

<sup>151</sup> *CSP Scot*, x, no 646; *CBP*, i, no 741.

<sup>152</sup> *CSP Scot*, x, nos 695, 708, 712, 715 enc., 720, 753; Calderwood, v, 171-2; Spottiswoode, ii, 421. Warded following Falkland raid; confessed all to the king.

<sup>153</sup> *CSP Scot*, xi, nos 52, 127. Angus sought to band with Bothwell but sought an exemption for his duty to Huntly. If Bothwell proposed to pursue Huntly, Angus would side with the latter.

<sup>154</sup> *CSP Scot*, xi, nos 277, 294, 334, 347, 350, 351, 353, 373, 378, 394, 408, 420, 426, 428, 430; Moysie, *Memoirs*, 121; Calderwood, v, 359; viii, 289; Spottiswoode, ii, 457.

<sup>155</sup> *CSP Scot*, x, no 675.

<sup>156</sup> *ibid.*, xi, nos 114, 122.

<sup>157</sup> Spottiswoode, ii, 448.

<sup>158</sup> *CSP Scot*, x, nos 608, 609, 612, 640, 675, 678, 706, 716, 718; *CBP*, i, no 715; Moysie, *Memoirs*, 92; Calderwood, v, 149. Warded in Glasgow for resetting Bothwell, October 1591; warded in Stirling for resetting Bothwell, April 1592.

<sup>159</sup> *CSP Scot*, xi, nos 98, 100, 101, 113, 114, 119, 122, 124, 133, 147, 148, 186, 237, 255, 257, 258, 267, 275, 282; *RPC*, v, 138, 143; Moysie, *Memoirs*, 102, 113, 117; Spottiswoode, ii, 433, 448; Tayler, A & H (ed.), *The House of Forbes* (Spalding Club, 1937), 122. Tutor to the young earl of Moray; party to the second Holyrood raid; warded beyond the Earn in December 1593; entered voluntarily ward in July 1594.

<sup>160</sup> *CSP Scot*, xi, no 375.

<sup>161</sup> *CSP Scot*, x, nos 625, 677, 721, 756.

<sup>162</sup> *CSP Scot*, xi, nos 114, 122, 133.

<sup>163</sup> *ibid.*, no 347, 350, 351, 353, 375, 408, 420, 428; Calderwood, v, 359.

<sup>164</sup> *CSP Scot*, x, nos 695, 721.

<sup>165</sup> *CSP Scot*, xi, nos 114, 122.

<sup>166</sup> *ibid.*, no 343, 347.

<sup>167</sup> *CSP Scot*, x, no 640; *CBP*, i, no 715.

<sup>168</sup> *CSP Scot*, x, nos 695, 706, 707, 708, 712, 714, 715 enc., 720, 755; Spottiswoode, ii, 421. Warded following Falkland raid; confessed all to the king.

<sup>169</sup> *CSP Scot*, x, no 771; xi, no 54.



Glencairn (James Cunningham, 7th earl)	August 1593 <sup>171</sup>			
Gowrie (John Ruthven, 3rd earl)	October	1593	- April	1594 <sup>172</sup>
Huntly (George Gordon, 6th earl)	June	1592	- August	1592 <sup>173</sup>
	May	1593 <sup>174</sup>		
	June	1594	- January	1595 <sup>175</sup>
Mar (John Erskine, 2nd earl)	December	1591 <sup>176</sup>		
	September	1592	- November	1592 <sup>177</sup>
	August	1593	- November	1593 <sup>178</sup>
Marischal (George Keith, 4th earl)	June	1591	- August	1591 <sup>179</sup>
Menteith (William Graham, 7th earl)	August	1593 <sup>180</sup>		
Montrose (John Graham, 3rd earl)	June	1591	- September	1591 <sup>181</sup>
	March	1592 <sup>182</sup>		
	August	1593	- September	1593 <sup>183</sup>
	February	1594	- April	1594 <sup>184</sup>
Moray (James Stewart, earl <i>jure uxoris</i> )	June	1591	- February	1592 <sup>185</sup>
(James Stewart, 3rd earl)	October	1593	- April	1594 <sup>186</sup>
Morton (William Douglas, 7th earl)	June	1591	- December	1591 <sup>187</sup>
	August	1593 <sup>188</sup>		
Orkney (Patrick Stewart, 2nd earl)	August	1593	- September	1593 <sup>189</sup>

<sup>170</sup> *CSP Scot*, xi, nos 277, 294, 347, 350, 351, 353, 394, 428, 430; Moysie, *Memoirs*, 121; Calderwood, v, 359; viii, 289; Spottiswoode, ii, 457.

<sup>171</sup> *CSP Scot*, xi, no 122.

<sup>172</sup> *ibid.*, nos 147, 237, 258.

<sup>173</sup> *CSP Scot*, x, nos 695, 721, 743.

<sup>174</sup> *CSP Scot*, xi, no 59.

<sup>175</sup> *ibid.*, nos 277, 282, 334, 350, 351, 353, 373, 394, 399, 408, 428, 430; Moysie, *Memoirs*, 121; Calderwood, v, 359; Spottiswoode, ii, 457.

<sup>176</sup> *CBP*, i, no 741.

<sup>177</sup> *CSP Scot*, x, nos 751, 773.

<sup>178</sup> *CSP Scot*, xi, nos 98, 101, 119, 122, 175, 177; Spottiswoode, ii, 434.

<sup>179</sup> Calderwood, v, 138; *CSP Scot*, x, no 590, 595; *CBP*, i, no 723; Moysie, *Memoirs*, 86. Brother-in-law to lord Home; his complaint was with Maitland. He was imprisoned in Edinburgh Castle in July but sought to settle his disputes with the chancellor.

<sup>180</sup> *CSP Scot*, xi, no 122.

<sup>181</sup> *CSP Scot*, x, no 608; *CBP*, i, no 715.

<sup>182</sup> Moysie, *Memoirs*, 92.

<sup>183</sup> *CSP Scot*, xi, nos 114, 122, 133.

<sup>184</sup> *ibid.*, no 237, 257; Moysie, *Memoirs*, 113. Montrose showed James the letter from Atholl asking him to join that earl and Bothwell - Montrose refused.

<sup>185</sup> *CSP Scot*, x, nos 640, 656; *CBP*, i, no 715. Killed by the followers of Huntly, February 1592.

<sup>186</sup> *CSP Scot*, xi, nos 147, 237, 258.

<sup>187</sup> *CSP Scot*, x, no 646; *CBP*, i, no 715, 741; Moysie, *Memoirs*, 86.

<sup>188</sup> *CSP Scot*, xi, no 122.

<sup>189</sup> *ibid.*, nos 122, 133; Anderson, *Black Patie*, 46, 82.

Roths (Andrew Leslie, 5th earl)	June August	1591 1593 <sup>191</sup>	- July	1591 <sup>190</sup>
Sutherland (Alexander Gordon, 12th earl)	September	1594	- December	1594 <sup>192</sup>

### Countesses

Atholl	June	1592 <sup>193</sup>		
	July	1593	- September	1593 <sup>194</sup>
Marischal	December	1593 <sup>195</sup>		

### Heirs

Caithness [half-brother]	April	1591	- March	1595 <sup>196</sup>
Montrose	October	1593	- April	1594 <sup>197</sup>

### Lords

Borthwick	June	1591	- July	1591 <sup>198</sup>
	August	1593 <sup>199</sup>		
Doune	November	1593 <sup>200</sup>		
Forbes	February	1592	- June	1594 <sup>201</sup>
Gray	April	1592 <sup>202</sup>		
Hamilton	August	1592	- September	1592 <sup>203</sup>
	August	1593	- September	1593 <sup>204</sup>
Herries	October	1594 <sup>205</sup>		
Home	June	1591	- August	1591 <sup>206</sup>
	October	1592 <sup>207</sup>		
Innermeath	August	1593	- April	1594 <sup>208</sup>

<sup>190</sup> *CBP*, i, no 715.

<sup>191</sup> *CSP Scot*, xi, no 122.

<sup>192</sup> *CSP Scot*, xi, no 347, 428. Died 6 December 1594.

<sup>193</sup> *CSP Scot*, x, no 716.

<sup>194</sup> *CSP Scot*, xi, nos 98, 101, 124, 133; Moysie, *Memoirs*, 103. Party to the second Holyrood raid.

<sup>195</sup> *CSP Scot*, xi, no 178.

<sup>196</sup> *CSP Scot*, x, nos 608, 618 enc.; nos 129, 138, 167, 174.

<sup>197</sup> *CSP Scot*, xi, nos 147, 258.

<sup>198</sup> *CBP*, i, no 715.

<sup>199</sup> *CSP Scot*, xi, no 122.

<sup>200</sup> *ibid.*, no 177.

<sup>201</sup> *ibid.*, no 113, 114, 147, 237, 255, 258, 275; Moysie, *Memoirs*, 102, 117; Tayler & Tayler (edd.), *House of Forbes*, 122. Received remission having satisfied sir George Home for the slaughter of his wife's ancestor.

<sup>202</sup> *CSP Scot*, x, no 679; Calderwood, v, 149. Warded for resetting Bothwell.

<sup>203</sup> *CSP Scot*, x, nos 749, 751, 753.

<sup>204</sup> *CSP Scot*, xi, nos 114, 129, 133.

<sup>205</sup> *ibid.*, no 378, 408.

<sup>206</sup> *CSP Scot*, x, nos 581, 590, 598; *CBP*, i, no 713, 715, 723; *RPC*, iv, 662; Moysie, *Memoirs*, 86; Rymer (ed.), *Fædera*, xvi, 107; Spottiswoode, ii, 413. His complaint was with Maitland not James. He had supported the earl throughout the time Bothwell was forfeited but, following Buccleuch's declaration of loyalty to the king on 4 August he entered discussions with friends and, on 6 August, finally submitted to warding in Blackness, *CSP Scot*, x, no 598. He received permission to depart into exile, *CSP Scot*, x, no 599.

<sup>207</sup> *CSP Scot*, x, no 756.

<sup>208</sup> *CSP Scot*, xi, no 114, 122, 147, 237, 258.



Lindsay of the Byres	August	1593 <sup>209</sup>		
Livingston	August	1593 <sup>210</sup>		
Maxwell	June	1592	- September	1592 <sup>211</sup>
Ochiltree	February	1592	- September	1594 <sup>212</sup>
Ogilvy	July	1592 <sup>213</sup>		
Ross	August	1593 <sup>214</sup>		
Sempill	August	1593 <sup>215</sup>		
Seton	August	1593	- October	1593 <sup>216</sup>
Sinclair	August	1593 <sup>217</sup>		
Spynie	August	1591	- September	1592 <sup>218</sup>
	July	1593	- August	1594 <sup>219</sup>
Thirlestane	June	1591	- September	1591 <sup>220</sup>
	January	1592 <sup>221</sup>		
	August	1592 <sup>222</sup>		
	November	1593	- December	1593 <sup>223</sup>
Yester	June	1591	- July	1591 <sup>224</sup>

### Ladies

Lindores	November	1591 <sup>225</sup>		
Spynie	August	1592 <sup>226</sup>		

### Heirs

Forbes	July	1593 <sup>227</sup>		
Glamis	June	1591	- August	1591 <sup>228</sup>

<sup>209</sup> *ibid.*, no 122.

<sup>210</sup> *ibid.*, nos 114, 122.

<sup>211</sup> *CSP Scot*, x, nos 695, 702, 751, 753. Submitted to James, June 1592; later suspected again but denied involvement.

<sup>212</sup> *CSP Scot*, x, 664, 675; xi, nos 100, 101, 113, 119, 122, 124, 139, 237, 238, 258, 272, 275, 282, 366; Moysie, *Memoirs*, 94, 102, 113; Spottiswoode, ii, 420, 433. Ochiltree initially denied his alliances with Bothwell; party to the second Holyrood raid; co-led one of the divisions of horse at the raid of Leith; sought remission when Bothwell joined with the papist lords.

<sup>213</sup> *CSP Scot*, x, no 721.

<sup>214</sup> *CSP Scot*, xi, no 114.

<sup>215</sup> *ibid.*, no 122.

<sup>216</sup> *ibid.*, nos 114, 141. Prepared to stand caution for Bothwell.

<sup>217</sup> *ibid.*, no 114.

<sup>218</sup> *CSP Scot*, x, nos 740, 743, 750; *RPC*, v, 4; Moysie, *Memoirs*, 94; Calderwood, v, 174; Spottiswoode, ii, 423.

<sup>219</sup> *CSP Scot*, xi, nos 98, 100, 101, 113, 114, 119, 122, 124, 177, 186, 237, 261, 343; *RPC*, v, 114, 132; Moysie, *Memoirs*, 103. Party to the second Holyrood raid; warded beyond the Spey in December 1593; Spynie obtained remission in April 1594 but was still suspected of favouring Bothwell.

<sup>220</sup> *CSP Scot*, x, no 608.

<sup>221</sup> *ibid.*, no 654.

<sup>222</sup> *ibid.*, no 736.

<sup>223</sup> *CSP Scot*, xi, no 177, 178, 186, 189.

<sup>224</sup> *CBP*, i, no 715.

<sup>225</sup> *CSP Scot*, x, no 623.

<sup>226</sup> *CSP Scot*, x, no 743.

<sup>227</sup> Tayler & Tayler (edd.), *House of Forbes*, 122.

<sup>228</sup> *CSP Scot*, x, no 595; *CBP*, i, no 723; Moysie, *Memoirs*, 86. Glamis's complaint was also not against the king but the chancellor. In early August he approached Bowes to intercede on his behalf with James, *CSP Scot*, x, no 598.

Gray	April	1592	- October	1593 <sup>229</sup>
Livingston	June	1592	- August	1592 <sup>230</sup>
Ochiltree	November	1593 <sup>231</sup>		

### Commendators

Blantyre	July	1593	- November	1593 <sup>232</sup>
Charterhouse, Perth	December	1592 <sup>233</sup>		
Inchaffray	September	1591 <sup>234</sup>		
	July	1594 <sup>235</sup>		
Inchcolm	May	1593	- October	1593 <sup>236</sup>
Pittenweem	June	1591 <sup>237</sup>		
Pluscarden	August	1593 <sup>238</sup>		

### Lairds

Abbotshall (William Scott)	June	1592 <sup>239</sup>		
Acheson's Haven (Mark Acheson)	June	1592	- July	1594 <sup>240</sup>
Airdrie (James Lumsden)	May	1592	- September	1592 <sup>241</sup>
	October	1593 <sup>242</sup>		
Anstruther (John Beaton)	September	1594 <sup>243</sup>		
Auchindoun (Patrick Gordon)	June	1594	- January	1595 <sup>244</sup>
Ayton (William Home)	May	1593 <sup>245</sup>		
Balcasky (John Strang)	April	1594 <sup>246</sup>		
Ballinscho (Sir John Lindsay)	September	1592 <sup>247</sup>		
Balnagowan (Alexander Ross)	June	1592 <sup>248</sup>		
Balquharg (James Wemyss)	May	1594	- October	1594 <sup>249</sup>
Balwerie (James Scott)	May	1592	- January	1595 <sup>250</sup>

<sup>229</sup> *CSP Scot*, x, nos 678, 679, 680, 706, 707, 708, 715 enc., 716, 719, 721, 726, 727, 733, 756, 778; xi, nos 113, 124, 147; HMC, *Marquis of Salisbury*, xiii, 401; *RPC*, iv, 742, 752; Spottiswoode, ii, 421. Put to the horn for his support of Bothwell, April 1592; at Falkland raid; reportedly split from Bothwell, October 1592 and reconciled to the king, November 1592.

<sup>230</sup> *CSP Scot*, x, nos 706, 733.

<sup>231</sup> *CSP Scot*, xi, no 177.

<sup>232</sup> *CSP Scot*, xi, nos 100, 175. Party to the second Holyrood raid.

<sup>233</sup> *RPC*, v, 29.

<sup>234</sup> *CSP Scot*, x, no 608.

<sup>235</sup> *CSP Scot*, xi, no 282. Messenger attempting to reconcile Bothwell and Huntly.

<sup>236</sup> *CSP Scot*, xi, no 59, 124, 140; *RPC*, v, 76. Harry Stewart; later, the tutor of the young earl of Moray.

<sup>237</sup> *RPC*, iv, 833.

<sup>238</sup> *CSP Scot*, xi, no 114, 124. Also styled 'Lord Urquhart'.

<sup>239</sup> *CSP Scot*, x, no 727.

<sup>240</sup> *RPC*, iv, 769; v, 150.

<sup>241</sup> *CSP Scot*, x, no 707, 708, 749, 751, 752; *RPC*, v, 16; HMC, *Marquis of Salisbury*, xiii, 401; Moysie, *Memoirs*, 94; Calderwood, v, 174. At Falkland raid; captured and tortured at Leith, September 1592.

<sup>242</sup> *CSP Scot*, xi, no 146.

<sup>243</sup> Moysie, *Memoirs*, 119. Warded for sympathising with Bothwell.

<sup>244</sup> Calderwood, v, 360; Spottiswoode, ii, 457.

<sup>245</sup> *CSP Scot*, xi, no 59.

<sup>246</sup> *RPC*, v, 143.

<sup>247</sup> *ibid.*, 13.

<sup>248</sup> *RPC*, iv, 748-50.

<sup>249</sup> *RPC*, v, 238.



Bedroull (William Turnbull)	September	1592 <sup>251</sup>		
Bonnyton (Simon Scott)	October	1592 <sup>252</sup>		
Brigend (Hob Ormiston)	December	1591 <sup>253</sup>		
Buccleuch (Walter Scott)	June	1591	- August	1591 <sup>254</sup>
Burleigh (Michael Balfour)	June	1591	- May	1592 <sup>255</sup>
	August	1592	- October	1593 <sup>256</sup>
Burnilies (John Ker)	April	1593 <sup>257</sup>		
Burnhouse (David Edmeston) [servitor]	December	1591	- January	1592 <sup>258</sup>
Cakemuir (Robert Wauchop)	July	1594 <sup>259</sup>		
Cardenden (Patrick Crombie)	December	1591	- August	1592 <sup>260</sup>
Cartertoun (John Johnston)	June	1592	- July	1592 <sup>261</sup>
Catslaik (Walter Scott)	October	1592 <sup>262</sup>		
Chamberlain-Newton (Walter Scott)	October	1592 <sup>263</sup>		
Chapel (John Johnston)	June	1592	- July	1592 <sup>264</sup>
Cluny (Robert Crichton)	May	1593	- February	1594 <sup>265</sup>
Cocklaw (James Gledstones)	October	1592 <sup>266</sup>		
Craigburn (John Johnston)	June	1592	- July	1592 <sup>267</sup>
Craigiehall (Harry Stewart)	July	1594 <sup>268</sup>		
Cullerny (David Barclay)	October	1593	- June	1594 <sup>269</sup>
Dairsie (David Melville)	October	1593 <sup>270</sup>		
Dawick (John Tweedie)	December	1591 <sup>271</sup>		
Dryhope (Philip Scott)	August	1592 <sup>272</sup>		

<sup>250</sup> *RMS*, v, no 2192; *CSP Scot*, x, nos 706, 707, 708, 715 enc., 718, 726, 733; *HMC, Marquis of Salisbury*, xiii, 401; Moysie, *Memoirs*, 94, 121; *Calderwood*, v, 174, 359; *Spottiswoode*, ii, 421, 457. At Falkland raid; came into king's favour for a time, August 1592.

<sup>251</sup> *CSP Scot*, x, no 751.

<sup>252</sup> *RPC*, v, 14.

<sup>253</sup> *Calderwood*, v, 141. Attended first Holyrood raid.

<sup>254</sup> *CSP Scot*, x, no 590, 595, 598; *CBP*, i, no 713, 715; Moysie, *Memoirs*, 86; Fraser (ed.), *Buccleuch*, ii, 248-50. In spite of vigorous persuasion by Bothwell and Margaret Douglas (Bothwell's countess and Buccleuch's mother) Walter Scott disclosed that he would not be of the earl's party following a discussion with the earl and Home at Morham, 4 August 1591. He received permission to depart into exile.

<sup>255</sup> Moysie, *Memoirs*, 94.

<sup>256</sup> *CSP Scot*, x, 734, 756; xi, nos 1 (5), 146; *RPC*, v, 11; *Calderwood*, v, 173, 174. Captured by Lennox, August 1592; confessed all but remained pro-Bothwell.

<sup>257</sup> *RPC*, v, 66.

<sup>258</sup> *CSP Scot*, x, no 648, 652. Of Burnhouse. James sought to use him to trap Bothwell, *CSP Scot*, x, no 652.

<sup>259</sup> *RPC*, v, 150.

<sup>260</sup> *CSP Scot*, x, nos 691, 714, 749; *Calderwood*, v, 142, 149. Attended first Holyrood raid; attained in parliament, June 1592; captured by Hamilton following Falkland raid.

<sup>261</sup> *RPC*, iv, 769.

<sup>262</sup> *RPC*, v, 14.

<sup>263</sup> *ibid.*, 14.

<sup>264</sup> *RPC*, iv, 769.

<sup>265</sup> *CSP Scot*, xi, nos 59, 146; *RPC*, v, 88, 132; *Calderwood*, v, 250. Although he denied the charge of resetting Bothwell, Cluny was imprisoned in Edinburgh tolbooth; a follower of the earl of Atholl.

<sup>266</sup> *RPC*, v, 14.

<sup>267</sup> *RPC*, iv, 769.

<sup>268</sup> *RPC*, v, 150.

<sup>269</sup> *CSP Scot*, xi, no 146; *RPC*, v, 145.

<sup>270</sup> *CSP Scot*, xi, no 146.

<sup>271</sup> *Calderwood*, v, 141. Attended first Holyrood raid.

<sup>272</sup> *RPC*, v, 4.

Duntarvy (Mr James Durham) [uncle]	June	1591	- December	1591 <sup>273</sup>
Ferniehurst (Andrew Ker)	August	1592	- October	1592 <sup>274</sup>
	August	1593	- October	1593 <sup>275</sup>
Fintry (David Graham)	August	1592 <sup>276</sup>		
Fowleth (John Stewart)	December	1591	- March	1592 <sup>277</sup>
Freuchie (John Grant)	February	1595 <sup>278</sup>		
Gartly (George Barclay)	September	1591 <sup>279</sup>		
Grange (John Hamilton)	July	1594 <sup>280</sup>		
Grant (Patrick Grant)	March	1592 <sup>281</sup>		
Greenhead (Andrew Ker)	August	1593 <sup>282</sup>		
Grierson (William Middlemass)	June	1591	- June	1592 <sup>283</sup>
Harden (Walter Scott)	June	1591	- August	1591 <sup>284</sup>
Hill (William Learmonth) [tenant]	June	1591	- June	1592 <sup>285</sup>
Hundlie (Andrew Rutherford)	October	1592 <sup>286</sup>		
Hunthill (John Rutherford)	August	1592	- October	1592 <sup>287</sup>
	October	1593 <sup>288</sup>		
Innermeath (Robert Stewart)	February	1594 <sup>289</sup>		
Johnston (John Johnston)	June	1591	- July	1591 <sup>290</sup>
	June	1592	- July	1592 <sup>291</sup>
	August	1593	- September	1594 <sup>292</sup>
Kerchester (John Ker)	April	1593 <sup>293</sup>		
Killeith (Mathew Finlayson)	July	1594 <sup>294</sup>		
Lockerbie (Mungo Johnston)	June	1592	- July	1592 <sup>295</sup>
Mackintosh (James Mackintosh)	March	1592 <sup>296</sup>		

<sup>273</sup> *CSP Scot*, x, no 648; Moysie, *Memoirs*, 87. Silversmith; comptroller depute; clerk of expenses; household servant to James VI; uncle to Bothwell by marriage to Margaret Hepburn, illegitimate daughter of Patrick, third earl Bothwell, *Scots Peerage*, ii, 161. Warded following first Holyrood raid.

<sup>274</sup> *CSP Scot*, x, nos 749, 754, 756, 758; *RPC*, v, 13; Moysie, *Memoirs*, 96. Reconciled by means of duke of Lennox; warded in Edinburgh Castle.

<sup>275</sup> *CSP Scot*, xi, nos 122, 144; Moysie, *Memoirs*, 106.

<sup>276</sup> *CSP Scot*, x, no 733.

<sup>277</sup> *ibid.*, no 664; Calderwood, v, 141. Attended first Holyrood raid; warded for resetting Bothwell.

<sup>278</sup> *RPC*, v, 210.

<sup>279</sup> *CSP Scot*, x, no 609. Warded in Glasgow for resetting Bothwell.

<sup>280</sup> *RPC*, v, 150.

<sup>281</sup> Moysie, *Memoirs*, 92.

<sup>282</sup> *RPC*, v, 81.

<sup>283</sup> *CSP Scot*, x, no 708; Calderwood, v, 141. Brother of the laird of Grimstone; attended first Holyrood raid; killed after the Falkland raid.

<sup>284</sup> Fraser (ed.), *Buccleuch*, ii, 248-50.

<sup>285</sup> *CSP Scot*, x, no 691; Calderwood, v, 141, 148. Attended first Holyrood raid; attainted in parliament, June 1592.

<sup>286</sup> *RPC*, v, 14.

<sup>287</sup> *CSP Scot*, x, nos 749, 754, 756; *RPC*, v, 13; Moysie, *Memoirs*, 96. Reconciled along with Ferniehurst.

<sup>288</sup> *CSP Scot*, xi, no 146; Moysie, *Memoirs*, 106.

<sup>289</sup> *RPC*, v, 132.

<sup>290</sup> *CSP Scot*, x, nos 595; *CBP*, i, no 715.

<sup>291</sup> *CSP Scot*, x, nos 708, 720; Moysie, *Memoirs*, 110; Calderwood, v, 172; Spottiswoode, ii, 421. Warded following Falkland; revealed all to king.

<sup>292</sup> *CSP Scot*, xi, nos 122, 171, 226, 373; Moysie, *Memoirs*, 110, 113. Johnston used his potential alliance with Bothwell as blackmail to attempt to achieve remission.

<sup>293</sup> *RPC*, v, 66.

<sup>294</sup> *RPC*, v, 150.

<sup>295</sup> *RPC*, iv, 769.



	July	1593	- October	1594 <sup>297</sup>
Muckdrum (David Orme) [servitor]	June	1591	- March	1595 <sup>298</sup>
Pantoskene (Alexander Livingston)	May	1593 <sup>299</sup>		
Penicuik (John Penicuik)	June	1592	- July	1594 <sup>300</sup>
Pincalny (Nicholas Ross)	June	1592 <sup>301</sup>		
Prendergust (William Home) [tenant]	June	1591	- December	1591 <sup>302</sup>
Restalrig (Robert Logan)	September	1591 <sup>303</sup>		
	February	1593 <sup>304</sup>		
Robertland (David Cunningham)	June	1591	- December	1591 <sup>305</sup>
Roslin (William Sinclair)	July	1591	- July	1594 <sup>306</sup>
Skethmuir (Alexander Muir)	January	1595 <sup>307</sup>		
Spott (James Douglas)	June	1591	- March	1595 <sup>308</sup>
Stobbis (Gavin Elliot)	October	1592 <sup>309</sup>		
Thorniedykes (John Cranston)	June	1591	- December	1591 <sup>310</sup>
Tinnis (John Stewart)	June	1591	- June	1592 <sup>311</sup>
Tullymatt (William Stewart)	February	1594 <sup>312</sup>		
Westray (Gilbert Balfour)	June	1592 <sup>313</sup>		
Wemyss (David Wemyss)	March	1592 <sup>314</sup>		
	April	1594 <sup>315</sup>		
Weslaws (William Anderson)	June	1592	- September	1592 <sup>316</sup>
Whitelaw (Hercules Stewart) [half-brother]	June	1591	- February	1595 <sup>317</sup>
Whiteslaid (Walter Scott)	June	1591	- August	1591 <sup>318</sup>

<sup>296</sup> Moysie, *Memoirs*, 92.

<sup>297</sup> *CSP Scot*, xi, no 101, 123, 399. While pursuing Huntly and the Catholic lords, James accepted the submission of the chief of the Mackintoshes (and Clan Chattan). He had previously been involved in the northern disputes with Huntly, *CSP Scot*, xi, no 257.

<sup>298</sup> *CSP Scot*, x, 691; xi, no 146; *RPC*, v, 141, 147; Calderwood, v, 149; *Laing Charters*, no 1295. Attended first Holyrood raid; attained in parliament, June 1592.

<sup>299</sup> *RPC*, v, 80.

<sup>300</sup> *RPC*, iv, 769; v, 150.

<sup>301</sup> *RPC*, iv, 748-50.

<sup>302</sup> Calderwood, v, 141. Attended first Holyrood raid.

<sup>303</sup> *CSP Scot*, x, no 610.

<sup>304</sup> *RPC*, v, 42.

<sup>305</sup> *CSP Scot*, x, no 646. Warded following first Holyrood raid.

<sup>306</sup> *CSP Scot*, x, nos 595, 605, 608; *RPC*, v, 150. By 16 August 1591, the laird of Roslin was suing Bowes to petition James on his behalf, *CSP Scot*, x, no 605. He was warded in Blackness, *CSP Scot*, x, no 608.

<sup>307</sup> *RPC*, v, 642.

<sup>308</sup> *CSP Scot*, x, no 639 enc., 646, 665, 669, 691, 707, 708, 755, 765; xi, no 54, 98, 138, 346, 360, 366, 406; *RPC*, v, 100, 132, 206; HMC, *Marquis of Salisbury*, iv, 177; xiii, 401; Calderwood, v, 141, 148, 174, 366; Spottiswoode, ii, 418; Moysie, *Memoirs*, 87, 94, 109, 117; Steuart (ed.), *Memoirs of Melville of Halhill*, 354. Attended the first and second Holyrood raids and Holyrood raid; attained in parliament, June 1592.

<sup>309</sup> *RPC*, v, 14.

<sup>310</sup> Calderwood, v, 141. Attended first Holyrood raid.

<sup>311</sup> *ibid.*, 141, 148. Attended first Holyrood raid; attained in parliament, June 1592.

<sup>312</sup> *RPC*, v, 132.

<sup>313</sup> *CSP Scot*, x, no 709. Attended Falkland raid.

<sup>314</sup> Moysie, *Memoirs*, 92.

<sup>315</sup> *CSP Scot*, xi, no 245. Found not guilty of the charge.

<sup>316</sup> *RPC*, v, 9.

<sup>317</sup> *CSP Scot*, xi, nos 238, 287, 665, 691, 779; *RPC*, v, 71, 77, 114, 132, 206; Calderwood, v, 141, 148. Attended first Holyrood raid; attained in parliament, June 1592; reconciled to the king, December 1592; co-led one of the divisions of horse at the raid of Leith.

Wives

Laird of Anstruther's wife                      September                      1594<sup>319</sup>

Heirs

Heuch, yr (Robert Home)	June	1591	- June	1592 <sup>320</sup>
Hundelie (Nicol Rutherford)	October	1592 <sup>321</sup>		
Hunthill (William Rutherford)	August	1592	- September	1592 <sup>322</sup>
Innermeath (William Stewart)	February	1594 <sup>323</sup>		
Logie, yr (John Wemyss)	June	1591	- May	1592 <sup>324</sup>
	August	1592	- August	1594 <sup>325</sup>
Morrison, yr (Mr Thomas Cranston)	June	1591	- December	1592 <sup>326</sup>
	December	1593	- December	1594 <sup>327</sup>
Niddry Marischal, yr (Archibald Wauchop)	June	1591	- March	1596 <sup>328</sup>
Samuelston, yr (John Hamilton)	June	1591	- November	1592 <sup>329</sup>
Wemyss, yr (John Wemyss)	June	1592 <sup>330</sup>		
Whithaugh (Simon Armstrong)	December	1593	- February	1594 <sup>331</sup>
Whittingham (Mr Richard Douglas)	June	1591	- September	1592 <sup>332</sup>

Judicial officers and burgesses

Peter Collace, burg. of Edinburgh [servitor] April                      1591                      - July                      1594<sup>333</sup>

<sup>318</sup> Frascr (ed.), *Buccleuch*, ii, 248-50.

<sup>319</sup> Moysie, *Memoirs*, 119. Warded for sympathising with Bothwell.

<sup>320</sup> SRO, GD158/2975; Calderwood, v, 141, 148; *CSP Scot*, x, no 691. Attended first Holyrood raid; attainted in parliament, June 1592.

<sup>321</sup> *RPC*, v, 14.

<sup>322</sup> *ibid.*, 13.

<sup>323</sup> *ibid.*, 132.

<sup>324</sup> Moysie, *Memoirs*, 94.

<sup>325</sup> *CSP Scot*, x, no 734; xi, nos 1 (5), 114, 124, 245, 336, 343, 373; *RPC*, v, 11; Calderwood, v, 173, 174; Spottiswoode, ii, 421. Gentleman of the king's chamber; captured by Lennox, August 1592, but escaped; also styled 'Lord Myrecairnie'; found not guilty of the charge of resetting Bothwell in 1593 but subsequently arrested and warded.

<sup>326</sup> *CSP Scot*, x, no 653, 665, 691, 778; *RPC*, v, 29; Calderwood, v, 141, 148. Attended the first Holyrood raid; attainted in parliament, June 1592; reconciled to the king, November 1592.

<sup>327</sup> *CSP Scot*, xi, nos 290, 346, 360, 366, 420; *RPC*, v, 114, 132; HMC, *de L'Isle and Dudley*, ii, 142. In December 1594, Cranston got remission through Maitland, but then had it withdrawn as it was believed to have been surreptitiously imparted.

<sup>328</sup> *CSP Scot*, x, nos 646, 652, 656, 665, 691, 714, 716, 721, 735, 749, 751, 769, 771, 773; xi, no 125, 245, 366, 399; *RPC*, v, 114, 132; *CBP*, ii, no 232; HMC, *Marquis of Salisbury*, xiii, 470-1; Calderwood, v, 141, 148, 169, 174; Spottiswoode, ii, 422; Moysie, *Memoirs*, 87, 94; Steuart (ed.), *Memoirs of Melville of Halhill*, 355. Injured at first Holyrood raid; attainted in parliament, June 1592; captured by Hamilton following the Falkland raid; reportedly left the earl, November 1592, nos 769, 771, 773.

<sup>329</sup> *CSP Scot*, x, nos 652, 691, 714, 716, 775; HMC, *Marquis of Salisbury*, xiii, 470-1; Moysie, *Memoirs*, 94; Calderwood, v, 141, 148, 169, 174. Parson of Samuelston; attended first Holyrood raid; attainted in parliament, June 1592; captured by Hamilton following Falkland raid; submitted to the king, November 1592.

<sup>330</sup> *CSP Scot*, x, no 706.

<sup>331</sup> *RPC*, v, 114, 132.

<sup>332</sup> *CSP Scot*, x, nos 606, 646, 665; *RPC*, v, 11; HMC, *Marquis of Salisbury*, iv, 109.

<sup>333</sup> *RPC*, v, 152, 160.



John Gibson, bailie of Crichton	June	1591	- December	1591 <sup>334</sup>
John Gifford, burgess of Edinburgh	July	1594 <sup>335</sup>		
Mr James Henderson, burgess of Edinburgh	July	1594	- November	1594 <sup>336</sup>
Thomas Henderson, burgess of Edinburgh	December	1591	- July	1594 <sup>337</sup>
Andrew Jamieson, burgess of Cupar	October	1594 <sup>338</sup>		
John Johnston, water bailie of Leith	July	1594 <sup>339</sup>		
William Kirkton, bailie of Jedburgh	September	1592 <sup>340</sup>		
William Learmouth, burgess of St Andrews	April	1594 <sup>341</sup>		
Archibald Primrose, writer in Edinburgh	December	1593 <sup>342</sup>		
John Richardson, burgess of Edinburgh	July	1594 <sup>343</sup>		
Michael Rutherford, burgess of Jedburgh	April	1593 <sup>344</sup>		
William Rutherford, provost of Jedburgh	September	1592 <sup>345</sup>		
John Wauchop, bailie of Niddry Marischal	December	1591	- July	1594 <sup>346</sup>

### **Knights**

Sir James Chisholm	April	1593 <sup>347</sup>		
	July	1594 <sup>348</sup>		
Sir William Keith	July	1591 <sup>349</sup>		
	July	1593 <sup>350</sup>		
Sir John Ker	October	1591 <sup>351</sup>		
Sir Robert Melville	August	1592 <sup>352</sup>		
Sir James Sandilands	February	1592	- March	1592 <sup>353</sup>
Sir William Stewart	July	1591 <sup>354</sup>		

### **Military officers and mariners**

Colonel Boyd	April	1594	- September	1601 <sup>355</sup>
Colonel William Stewart	December	1591	- September	1592 <sup>356</sup>

<sup>334</sup> Calderwood, v, 142. Attended first Holyrood raid; Edinburgh mob prevent James VI from hanging.

<sup>335</sup> *RPC*, v, 152.

<sup>336</sup> *CSP Scot*, xi, no 366; *RPC*, v, 152, 190.

<sup>337</sup> *RPC*, v, 6, 152.

<sup>338</sup> *ibid.*, 179.

<sup>339</sup> *ibid.*, 150.

<sup>340</sup> *ibid.*, 13.

<sup>341</sup> *RPC*, v, 143.

<sup>342</sup> *ibid.*, 110.

<sup>343</sup> *ibid.*, 152.

<sup>344</sup> *ibid.*, 587.

<sup>345</sup> *RPC*, v, 13.

<sup>346</sup> Calderwood, v, 141; *RPC*, v, 150, 615. Attended first Holyrood raid.

<sup>347</sup> *CSP Scot*, xi, no 52.

<sup>348</sup> *ibid.*, nos 311, 312. Messenger between Catholic lords and Bothwell.

<sup>349</sup> *CSP Scot*, x, no 595.

<sup>350</sup> Spottiswoode, ii, 434.

<sup>351</sup> *CSP Scot*, x, no 619.

<sup>352</sup> *ibid.*, no 742.

<sup>353</sup> *CSP Scot*, x, no 664; Moysie, *Memoirs*, 88. Sheriff of Bute; commanded to pursue Bothwell; later warded in Blackness for failing in his duty.

<sup>354</sup> *CSP Scot*, x, nos 595.

<sup>355</sup> *CSP Scot*, xi, no 238, 282, 353, 366, 398, 399; HMC, *Marquis of Salisbury*, xi, 381; Calderwood, v, 366. Co-led one of the divisions of horse at raid of Leith.

<sup>356</sup> *CSP Scot*, x, nos 646, 648, 652, 653, 654, 707, 708, 712, 714, 715 enc., 716, 735, 750, 751, 753, 755; Spottiswoode, ii, 418, 421. Warded in Edinburgh Castle on suspicion of dealing with Bothwell,

Captain Forster	April	1594	- September	1594 <sup>357</sup>
Captain James Hackerston	June	1591	- September	1594 <sup>358</sup>
Captain Hamilton	April	1594 <sup>359</sup>		
Captain Robert Masterton	October	1591	- November	1594 <sup>360</sup>
Captain Robert Melville	April	1594 <sup>361</sup>		
Captain Moffat	April	1594 <sup>362</sup>		
Captain Orrock	September	1594 <sup>363</sup>		
Captain George Strong	April	1594 <sup>364</sup>		

Ministers and university educated men

Mr Robert Bruce	December	1592 <sup>365</sup>		
Mr John Colville	June	1591	- September	1594 <sup>366</sup>
Mr James Colville of Strarudie	March	1592 <sup>367</sup>		
Mr James Forrest	July	1593	- September	1594 <sup>368</sup>
Mr John Geddes	November	1592 <sup>369</sup>		
	December	1594 <sup>370</sup>		
Mr Alexander Hamilton	April	1594 <sup>371</sup>		
Mr Andrew Hunter	April	1594	- May	1594 <sup>372</sup>
Mr Jerome Lindsay	April	1594	- June	1594 <sup>373</sup>
Mr Walter Lindsay	July	1594 <sup>374</sup>		
Mr Andrew Melville	May	1594 <sup>375</sup>		

January 1592; warded following Falkland raid, June 1592; disclosed his information concerning Bothwell in order to implicate Spynie, with whom he had a feud.

<sup>357</sup> *CSP Scot*, xi, no 238, 272, 353. Co-led one of the divisions of horse at the raid of Leith.

<sup>358</sup> *CSP Scot*, x, no 606, 616, 619, 652, 727, 749, 751, 752, 769; xi, no 125, 127, 134, 290, 346, 353, 366; *HMC, Marquis of Salisbury*, iv, 629; Moysie, *Memoirs*, 94; Calderwood, v, 174. Messenger to Spain for Bothwell, autumn 1591; attended Falkland raid; captured and tortured at Leith, September 1592.

<sup>359</sup> *CSP Scot*, xi, no 238. Led one of the divisions of horse at the raid of Leith.

<sup>360</sup> *CSP Scot*, x, nos 616, 618; *RPC*, v, 641.

<sup>361</sup> *RPC*, v, 141; Spottiswoode, ii, 448

<sup>362</sup> *EBR*, v, 346.

<sup>363</sup> *CSP Scot*, xi, nos 353, 366.

<sup>364</sup> *RPC*, v, 141; Spottiswoode, ii, 448

<sup>365</sup> *CSP Scot*, x, no 779; Calderwood, v, 187-90. Minister in Edinburgh; denied the charge.

<sup>366</sup> *CSP Scot*, x, nos 639 enc., 657, 665, 669, 691, 707, 708, 714, 715 enc., 716, 720, 726, 727, 733, 755, 756; xi, no 4, 98, 100, 238, 343, 346, 353, 360, 362, 406; *RPC*, v, 100, 132; *HMC, Marquis of Salisbury*, iv, 177; xiii, 401; Calderwood, v, 141, 174; Spottiswoode, ii, 433, 448, 457; Moysie, *Memoirs*, 87, 102, 109; Steuart (ed.), *Memoirs of Melville of Halhill*, 354. Attended the first and second Holyrood raids and Falkland raid; attainted in parliament, June 1592; co-led one of the divisions of horse at the raid of Leith; on 13 September, the earl of Mar purchased his pardon and, by 4 December, Colville had 'laid open as much as he knows of the manner of the carriage of all matters with Bothwell.

<sup>367</sup> Calderwood, v, 148. Attainted in parliament, June 1592. An error for Mr John Colville (above).

<sup>368</sup> *CSP Scot*, xi, no 288, 312, 313, 316, 322, 343, 346, 354, 355; *HMC, de L'Isle and Dudley*, ii, 142. At second Holyrood raid and raid of Leith; messenger in Colville's service; he was included in Colville's remission.

<sup>369</sup> *CSP Scot*, x, nos 771, 775.

<sup>370</sup> *CSP Scot*, xi, no 426. See Calderwood, v, 122.

<sup>371</sup> *CSP Scot*, xi, nos 237, 238. Bothwell's master of the Horse at raid of Leith.

<sup>372</sup> *RPC*, v, 143; Calderwood, v, 325, 328; Spottiswoode, ii, 448; *Historie*, 315. Minister at Newburn.

<sup>373</sup> *CSP Scot*, xi, no 245, 277; *RPC*, v, 141; Calderwood, v, 298. Son of Mr David Lindsay, minister at Leith; messenger between Bothwell and Atholl.

<sup>374</sup> *CSP Scot*, xi, no 282. Attempting to reconcile Bothwell and Huntly.



Mr James Melville	May	1594 <sup>376</sup>		
Mr John Murray	November	1592	- April	1594 <sup>377</sup>
Mr Allan Orme [butler]	June	1591	- October	1594 <sup>378</sup>
Mr George Orme	April	1594	- March	1595 <sup>379</sup>
Mr Gilbert Penicuik	May	1593	- February	1594 <sup>380</sup>
Mr John Russell	November	1593	- December	1593 <sup>381</sup>
Mr William Welwood	August	1594	- September	1594 <sup>382</sup>

### Communities

The town of Anstruther Easter	April	1594 <sup>383</sup>		
The town of Anstruther Wester	April	1594 <sup>384</sup>		
The town of Crail	April	1594 <sup>385</sup>		
The town of Cupar	April	1594 <sup>386</sup>		
The town of Dysart	April	1594 <sup>387</sup>		
The town of Jedburgh	September	1592	- October	1592 <sup>388</sup>
The town of Kelso	May	1593 <sup>389</sup>		
The town of Kinghorn	April	1594 <sup>390</sup>		
The town of Kirkcaldy	April	1594 <sup>391</sup>		
The town of Pittenweem	April	1594 <sup>392</sup>		
The town of St Andrews	April	1594 <sup>393</sup>		

### Others

Alexander Abercromby	June	1592 <sup>394</sup>		
James Abercromby	August	1594 <sup>395</sup>		
Patrick Abercromby [servitor]	June	1591	- September	1594 <sup>396</sup>

<sup>375</sup> Calderwood, v, 307. James later acknowledged the allegations were groundless, Calderwood, v, 327.

<sup>376</sup> Calderwood, v, 307; Spottiswoode, ii, 448. Minister at Anstruther; James later acknowledged the allegations were groundless, Calderwood, v, 327.

<sup>377</sup> *CSP Scot*, x, no 769; *RPC*, v, 141.

<sup>378</sup> *CSP Scot*, xi, nos 360, 366; *RPC*, v, 141; Moysie, *Memoirs*, 119; Spottiswoode, ii, 457. A young messenger, captured carrying the earl's letters; captured, tortured and executed.

<sup>379</sup> *Laing Charters*, no 1295; *RPC*, v, 141. Brother of David Orme of Muckdrum.

<sup>380</sup> *RPC*, v, 77, 114, 132.

<sup>381</sup> *CSP Scot*, xi, nos 177, 178; Moysie, *Memoirs*, 109; *LJC*, p. xxiv. Burgess of Edinburgh and advocate, arrested, November 1593; granted remission on payment of £1, 333 6s 8d.

<sup>382</sup> *CSP Scot*, xi, nos 343, 347. Professor of Civil Law; messenger on behalf of other who sought to reconcile James and Bothwell for the strengthening of the king, even though they disliked Bothwell.

<sup>383</sup> *RPC*, v, 142.

<sup>384</sup> *ibid.*, 142.

<sup>385</sup> *ibid.*, 142.

<sup>386</sup> *ibid.*, 142.

<sup>387</sup> *ibid.*, 142.

<sup>388</sup> *CSP Scot*, x, nos 751, 754, 756; *RPC*, v, 12. Reconciled along with Ferniehurst and Hunthill.

<sup>389</sup> *RPC*, v, 78.

<sup>390</sup> *ibid.*, 142.

<sup>391</sup> *ibid.*, 142.

<sup>392</sup> *ibid.*, 142.

<sup>393</sup> *ibid.*, 142.

<sup>394</sup> Calderwood, v, 169-70. Captured by Hamilton following Falkland.

<sup>395</sup> HMC, *Marquis of Salisbury*, iv, 600.

<sup>396</sup> *CSP Scot*, x, nos 652, 749; xi, nos 143, 366; HMC, *Marquis of Salisbury*, xiii, 470-1. Resident in Leith; Shot in Edinburgh in October 1593.

William Allan in Leith	September	1594 <sup>397</sup>		
Patrick Anderson in Craighead	June	1592	- September	1592 <sup>398</sup>
XXXXXX Anderson	September	1594 <sup>399</sup>		
George Auchincraw in East Reston	June	1591	- June	1592 <sup>400</sup>
Patrick Auchincraw in East Reston	June	1591	- June	1592 <sup>401</sup>
John Barton	September	1594 <sup>402</sup>		
John Barton's wife	September	1594 <sup>403</sup>		
John Bell in Dean	July	1594 <sup>404</sup>		
Hugh Brown	June	1592 <sup>405</sup>		
Robert Cathcart [servitor]	April	1591	- September	1594 <sup>406</sup>
Ninian Chirnside [servitor]	June	1591	- February	1594 <sup>407</sup>
John Christian in Dalkeith	December	1591 <sup>408</sup>		
Patrick Clapen	April	1594 <sup>409</sup>		
James Cochrane	September	1592	- October	1594 <sup>410</sup>
Elsbeth Cockburn	July	1594 <sup>411</sup>		
Robert Collace in Kelso	April	1593 <sup>412</sup>		
Alexander Cranston in Smailholm	December	1592 <sup>413</sup>		
Gilbert Cranston	December	1592 <sup>414</sup>		
George Cranston	December	1592 <sup>415</sup>		
John Cranston	April	1591	- February	1596 <sup>416</sup>
John Cranston in Sprouston	December	1592 <sup>417</sup>		
Thomas Cranston	April	1594 <sup>418</sup>		
William Cranston	December	1592 <sup>419</sup>		
Robert Crawford in Whitsome	July	1594 <sup>420</sup>		
Patrick Cumming	May	1592 <sup>421</sup>		

<sup>397</sup> *CSP Scot*, xi, no 366; Moysie, *Memoirs*, 119. A writer; charged with resetting the earl; captured, tortured and executed.

<sup>398</sup> *RPC*, v, 9.

<sup>399</sup> *CSP Scot*, xi, no 366.

<sup>400</sup> *CSP Scot*, x, nos 653, 691; Calderwood, v, 148. Attended the first Holyrood raid; attainted in parliament, June 1592.

<sup>401</sup> *CSP Scot*, x, nos 653, 691; Calderwood, v, 148. Attended the first Holyrood raid; attainted in parliament, June 1592.

<sup>402</sup> *CSP Scot*, xi, no 366; Moysie, *Memoirs*, 119. Burgess of Edinburgh, goldsmith; charged with resetting the earl.

<sup>403</sup> Moysie, *Memoirs*, 119. Charged with resetting the earl.

<sup>404</sup> *RPC*, v, 152.

<sup>405</sup> *RPC*, iv, 752. Servant of master of Gray.

<sup>406</sup> *RPC*, v, 169.

<sup>407</sup> *RPC*, iv, 614, 624; v, 77, 114, 132; Calderwood, v, 141. Attended first Holyrood raid.

<sup>408</sup> Calderwood, v, 142. Attended first Holyrood raid.

<sup>409</sup> *RPC*, v, 141. Brother of the laird of Carslogy.

<sup>410</sup> *CSP Scot*, x, no 751; xi, no 373; Moysie, *Memoirs*, 119; Spottiswoode, ii, 457. Depute-keeper of Blackness for Sir James Sandilands; executed.

<sup>411</sup> *RPC*, v, 160.

<sup>412</sup> *RPC*, v, 71.

<sup>413</sup> *ibid.*, 29.

<sup>414</sup> *ibid.*, 29. Brother of the laird of Crosbie.

<sup>415</sup> *ibid.*, 29. Brother of James Cranston in Huntlywood.

<sup>416</sup> *CBP*, ii, no 227 enc.; *RPC*, v, 29; Calderwood, v, 148-9. Brother of Thomas Cranston, younger of Morriston; attainted in parliament, June 1592; Bothwell's agent on the marches after the earl's exile.

<sup>417</sup> *RPC*, v, 29.

<sup>418</sup> *HMC, de L'Isle and Dudley*, ii, 142.

<sup>419</sup> *RPC*, v, 29.

<sup>420</sup> *ibid.*, 150.



George Dewar in Pleasance	July	1594	- August	1594 <sup>422</sup>
Archibald Douglas	December	1591	- November	1592 <sup>423</sup>
George Douglas	July	1594 <sup>424</sup>		
James Douglas	June	1592	- September	1594 <sup>425</sup>
John Douglas in Woodpathhead	December	1591	- February	1593 <sup>426</sup>
Robert Douglas	April	1594	- January	1595 <sup>427</sup>
William Drummond	July	1594 <sup>428</sup>		
Patrick Edrington in Morhamkirk	April	1591	- December	1591 <sup>429</sup>
John Fairbairn	December	1592 <sup>430</sup>		
James Forrest	June	1592	- August	1594 <sup>431</sup>
John Gibson	September	1594 <sup>432</sup>		
George Glairnet	April	1593 <sup>433</sup>		
David Gledstanes in Sprouston	December	1591 <sup>434</sup>		
John Gourlay in Dalkeith	December	1591 <sup>435</sup>		
James Gray	November	1592 <sup>436</sup>		
Robert Gray	April	1592	- June	1592 <sup>437</sup>
George Hay in Dalkeith	December	1591 <sup>438</sup>		
Alexander Hepburn	December	1591	- July	1592 <sup>439</sup>
Robert Hepburn in Hailes [servitor]	April	1591	- October	1593 <sup>440</sup>
Robert Hepburn's son	June	1592	- July	1592 <sup>441</sup>
XXXXXX Hepburn	June	1592	- July	1592 <sup>442</sup>
XXXXXX Hepburn	December	1591 <sup>443</sup>		
James Hepburn	April	1591	- September	1592 <sup>444</sup>
Andrew Home	December	1592 <sup>445</sup>		

<sup>421</sup> Moysie, *Memoirs*, 94.

<sup>422</sup> *RPC*, v, 152, 161.

<sup>423</sup> *CSP Scot*, x, nos 643, 775; *HMC, Marquis of Salisbury*, iv, 177; *Calderwood*, v, 141; Moysie, *Memoirs*, 87. Illegitimate son of regent Morton; attended the first Holyrood raid; submitted to king, November 1592.

<sup>424</sup> *RPC*, v, 150. Illegitimate son of regent Morton.

<sup>425</sup> *CSP Scot*, x, no 720; xi, nos 350, 366; *HMC, Marquis of Salisbury*, iv, 183.

<sup>426</sup> *RPC*, v, 582.

<sup>427</sup> *RPC*, v, 141, 642. Illegitimate son of sir George Douglas of Helenhill.

<sup>428</sup> *CSP Scot*, xi, nos 311, 312. Messenger between Catholic lords and Bothwell

<sup>429</sup> *Calderwood*, v, 142. Attended first Holyrood raid.

<sup>430</sup> *RPC*, v, 29.

<sup>431</sup> *HMC, de L'Isle and Dudley*, ii, 142.

<sup>432</sup> *CSP Scot*, xi, no 373; Moysie, *Memoirs*, 119. Captured, tortured and executed.

<sup>433</sup> *RPC*, v, 71. Servant of Robert Collace in Kelso.

<sup>434</sup> *Calderwood*, v, 142. Attended first Holyrood raid.

<sup>435</sup> *ibid.*, 142. Attended first Holyrood raid.

<sup>436</sup> *CSP Scot*, x, no 778. Son of lord Gray; reconciled to king, November 1592.

<sup>437</sup> *CSP Scot*, x, no 679; *RPC*, iv, 742, 752. Son of lord Gray; warded for resetting Bothwell.

<sup>438</sup> *Calderwood*, v, 142. Attended first Holyrood raid.

<sup>439</sup> *CSP Scot*, x, no 714, 716; *HMC, Marquis of Salisbury*, xiii, 470-1; *Calderwood*, v, 141, 169. Attended first Holyrood raid; captured by Hamilton following Falkland raid.

<sup>440</sup> *CSP Scot*, x, no 749; xi, no 143; *HMC, Marquis of Salisbury*, iv, 177; *HMC Salisbury*, xiii, 101-3; *Calderwood*, v, 141. Attended first Holyrood raid; captured by James at East Linton in January 1592.

<sup>441</sup> *CSP Scot*, x, no 714, 716; *HMC, Marquis of Salisbury*, xiii, 470-1; *Calderwood*, v, 170. Captured by Hamilton following Falkland raid.

<sup>442</sup> *CSP Scot*, x, no 714, 716; *HMC, Marquis of Salisbury*, xiii, 470-1; *Calderwood*, v, 170. Captured by Hamilton following Falkland raid.

<sup>443</sup> *CSP Scot*, x, no 648. Captured at Holyrood raid and tortured in the boots; he would not confess anything.

<sup>444</sup> *Calderwood*, v, 142, 174. Attended first Holyrood raid; in king's favour, September 1592.

Alexander Home	December	1591 <sup>446</sup>		
William Hoppringle	December	1592 <sup>447</sup>		
Andrew Huntly	December	1592 <sup>448</sup>		
James Huntly	December	1592 <sup>449</sup>		
Thomas Inglis	May	1593 <sup>450</sup>		
William Johnston in Kirkhill	June	1592 <sup>451</sup>		
Peter Kinloch, servitor	July	1593 <sup>452</sup>		
Robert Land	December	1591 <sup>453</sup>		
Gilbert Lauder, servitor	October	1591 <sup>454</sup>		
Alexander Learmouth in Ersiltoun	December	1591 <sup>455</sup>		
James Learmouth in Townhead of Kelso	December	1591 <sup>456</sup>		
Robert Learmouth in Townhead of Kelso	December	1591 <sup>457</sup>		
	April	1593 <sup>458</sup>		
John Liberton in Dean	July	1594 <sup>459</sup>		
Alexander Liddell in Dalkeith	December	1591 <sup>460</sup>		
Jerome Love in Leith	June	1594 <sup>461</sup>		
Robert Moffat in Dalkeith	December	1591 <sup>462</sup>		
James Murray	April	1594 <sup>463</sup>		
John Naismith	December	1591 <sup>464</sup>		
XXXXXX Nisbet	April	1591 <sup>465</sup>		
Francis Orme	March	1595 <sup>466</sup>		
Gilbert Penicuik [servitor]	April	1591	- September	1594 <sup>467</sup>
David Pringle in Kelso	December	1591 <sup>468</sup>		
Hob Pringle in Heriotmure	December	1591 <sup>469</sup>		
William Pringle in Heriotmure	December	1591 <sup>470</sup>		
Patrick Orme, servitor	September	1593 <sup>471</sup>		
Hob Ormiston	December	1591	- June	1592 <sup>472</sup>

<sup>445</sup> *RPC*, v, 29.

<sup>446</sup> Calderwood, v, 141. Brother of William Home of Prendergust; attended first Holyrood raid.

<sup>447</sup> *RPC*, v, 29. Brother of David Hoppringle of Hownam.

<sup>448</sup> *ibid.*, 29.

<sup>449</sup> *ibid.*, 29.

<sup>450</sup> *ibid.*, 76. Servant of Harry Stewart, commendator of Inchcolm.

<sup>451</sup> *CSP Scot*, x, no 708. Hurt following Falkland raid.

<sup>452</sup> Calderwood, v, 138.

<sup>453</sup> Moysie, *Memoirs*, 87. Household servant of James VI.

<sup>454</sup> *CSP Scot*, x, no 618 enc..

<sup>455</sup> Calderwood, v, 142. Brother of laird of Learmouth; attended first Holyrood raid.

<sup>456</sup> *ibid.*, 142. Attended first Holyrood raid.

<sup>457</sup> *ibid.*, 142. Brother of James Learmouth in Townhead; attended first Holyrood raid.

<sup>458</sup> *RPC*, v, 71.

<sup>459</sup> *ibid.*, 152.

<sup>460</sup> Calderwood, v, 142. Attended first Holyrood raid.

<sup>461</sup> *RPC*, v, 147.

<sup>462</sup> Calderwood, v, 142. Attended first Holyrood raid.

<sup>463</sup> *CSP Scot*, xi, no 257. Captured during Fife raids.

<sup>464</sup> *CSP Scot*, x, no 662; Moysie, *Memoirs*, 87; Spottiswoode, ii, 418. Surgeon to James VI; Captured following first Holyrood raid and banished from Scotland

<sup>465</sup> *RPC*, iv, 614. Servant of Ninian Chirnside.

<sup>466</sup> *Laing Charters*, no 1295. Brother of David Orme of Muckdrum.

<sup>467</sup> *CSP Scot*, x, no 619; xi, no 366.

<sup>468</sup> Calderwood, v, 142. Attended first Holyrood raid.

<sup>469</sup> *ibid.*, 141. Attended first Holyrood raid.

<sup>470</sup> *ibid.*, 141. Attended first Holyrood raid.

<sup>471</sup> *CSP Scot*, xi, no 130.



Robert Ormiston	December	1591	- June	1592 <sup>473</sup>
John Ormiston in Smailholm	December	1591 <sup>474</sup>		
William Ormiston	December	1591 <sup>475</sup>		
William Ormiston in Brigend	December	1591 <sup>476</sup>		
James Pot in Sprouston	December	1591 <sup>477</sup>		
James Ramsay in Hoilmyln	June	1592	- September	1592 <sup>478</sup>
Robert Renton	July	1594 <sup>479</sup>		
Robert Rollock in Mureton	June	1592	- September	1592 <sup>480</sup>
George Ross	June	1592 <sup>481</sup>		
John Ross	April	1594 <sup>482</sup>		
John Sanderson	December	1592 <sup>483</sup>		
John Scott in Over Hailes	May	1593 <sup>484</sup>		
Robert Scott [servitor]	April	1591	- December	1591 <sup>485</sup>
William Scott in Momberngear	October	1592 <sup>486</sup>		
John Smollet [servitor]	April	1591	- February	1592 <sup>487</sup>
James Stevenson	November	1592 <sup>488</sup>		
Allan Stewart	October	1591 <sup>489</sup>		
David Stewart	December	1591 <sup>490</sup>		
James Stewart	December	1591	- June	1592 <sup>491</sup>
Josias Stewart	December	1593	- February	1595 <sup>492</sup>
Nicholas Stewart [servitor]	April	1591	- February	1592 <sup>493</sup>
Robert Stewart	December	1591	- June	1592 <sup>494</sup>
Robert Stewart	November	1593 <sup>495</sup>		
Walter Stewart	July	1595 <sup>496</sup>		

<sup>472</sup> *CSP Scot*, x, no 691; Calderwood, v, 149. Attended first Holyrood raid; attained in parliament, June 1592.

<sup>473</sup> *CSP Scot*, x, no 691; Calderwood, v, 149. Son of Hob Ormiston; attended first Holyrood raid; attained in parliament, June 1592.

<sup>474</sup> Calderwood, v, 142. Attended first Holyrood raid.

<sup>475</sup> *ibid.*, 141. Son of John Ormiston in Smailholm; attended first Holyrood raid.

<sup>476</sup> *ibid.*, 141. Attended first Holyrood raid.

<sup>477</sup> *ibid.*, 141. Attended first Holyrood raid.

<sup>478</sup> *RPC*, v, 9.

<sup>479</sup> *ibid.*, 150. Brother of Renton of Billie.

<sup>480</sup> *ibid.*, 9.

<sup>481</sup> *RPC*, iv, 748-50. Son of Alexander Ross, laird of Balnagowan.

<sup>482</sup> Calderwood, v, 299; *Historie*, 315. Minister at Perth; had kin links with the Hepburns (unknown).

<sup>483</sup> *RPC*, v, 29.

<sup>484</sup> *ibid.*, 77.

<sup>485</sup> *CSP Scot*, x, no 616; Calderwood, v, 141; Steuart (ed.), *Memoirs of Melville of Halhill*, 356. Brother of the laird of Balwerie; imprisoned in Edinburgh Castle in October 1591; killed at Holyrood raid, 27 December 1591; received remission after his death, *RMS*, v, no 2192.

<sup>486</sup> *RPC*, v, 14.

<sup>487</sup> *CSP Scot*, x, nos 643, 655; Moysie, *Memoirs*, 88. Attended the first Holyrood raid; captured by Lennox and Huntly during their raid on Dumbarton; he was released when he promised to bring the earl to them but, instead, warned Bothwell of their presence.

<sup>488</sup> *RMS*, v, no 2192.

<sup>489</sup> *CSP Scot*, x, no 618 enc..

<sup>490</sup> Calderwood, v, 141. Attended first Holyrood raid.

<sup>491</sup> *CSP Scot*, x, no 691. Attended first Holyrood raid; attained in parliament, June 1592.

<sup>492</sup> *CSP Scot*, xi, no 282; *RPC*, v, 114, 132, 206. Brother of lord Ochiltree.

<sup>493</sup> *CSP Scot*, x, no 656.

<sup>494</sup> *ibid.*, no 691; Calderwood, v, 141. Attended first Holyrood raid; attained in parliament, June 1592.

<sup>495</sup> *CSP Scot*, xi, no 177; Moysie, *Memoirs*, 109. Serjeant-at-mace; sheriff clerk of Edinburghshire; arrested November 1593; same as above?

William Stewart	December	1591	- June	1592 <sup>497</sup>
John Swinton in Inverkeithing	February	1595 <sup>498</sup>		
Mark Swinton in Inverkeithing	December	1594 <sup>499</sup>		
William Sym	October	1594 <sup>500</sup>		
John Trotter in Ryslaw	December	1591 <sup>501</sup>		
Thomas Trotter [servitor]	April	1591	- February	1595 <sup>502</sup>
Hector Turnbull in Dalkeith	December	1591 <sup>503</sup>		
William Turnbull in Dalkeith	December	1591 <sup>504</sup>		
Thomas Veitch in Dalkeith	December	1591 <sup>505</sup>		
James Wardlaw	November	1592 <sup>506</sup>		
Lawrence Wardlaw in Nether Liberton	April	1594	- July	1594 <sup>507</sup>
XXXXXX Wauchop	June	1592	- July	1592 <sup>508</sup>
Abraham Wauchop in Leith	July	1594 <sup>509</sup>		
Angus Williamson	July	1593 <sup>510</sup>		
XXXXXX Wilson	October	1591 <sup>511</sup>		

### ENGLISH CORRESPONDENTS AND RESETTERS

Robert Bowes, ambassador	March	1592 <sup>512</sup>		
	November	1592	- December	1592 <sup>513</sup>
	August	1593	- September	1593 <sup>514</sup>
Lord Burghley, treasurer	August	1592 <sup>515</sup>		
	February	1593	- April	1593 <sup>516</sup>
Lord Howard of Effingham, admiral	February	1593 <sup>517</sup>		
Lord Hunsdon, chamberlain	February	1593	- March	1593 <sup>518</sup>

<sup>496</sup> *CSP For*, v, no 407. Brother to the laird of Craigyhall.

<sup>497</sup> *CSP Scot*, x, no 691; Calderwood, v, 141, 148; Moysie, *Memoirs*, 87, 94. Lennox's servant and, formerly, constable of Dumbarton Castle; brother of John Stewart of Tinnis; attended first Holyrood raid; attainted in parliament, June 1592.

<sup>498</sup> *RPC*, v, 210.

<sup>499</sup> *RPC*, v, 193.

<sup>500</sup> *LJC*, p. xxv.

<sup>501</sup> Calderwood, v, 142. Attended first Holyrood raid.

<sup>502</sup> *ibid.*, 364.

<sup>503</sup> *ibid.*, 142. Attended first Holyrood raid.

<sup>504</sup> *ibid.*, 142. Attended first Holyrood raid.

<sup>505</sup> *ibid.*, 142. Attended first Holyrood raid.

<sup>506</sup> *RMS*, v, no 2192.

<sup>507</sup> *CSP Scot*, xi, no 257; *RPC*, v, 160 Captured during Fife raids.

<sup>508</sup> *CSP Scot*, x, no 714, 716; HMC, *Marquis of Salisbury*, xiii, 470-1. Laird of Niddry Marischal's brother; captured by Hamilton following Falkland raid.

<sup>509</sup> *RPC*, v, 152.

<sup>510</sup> *CSP Scot*, xi, no 101.

<sup>511</sup> *CSP Scot*, x, no 618 enc..

<sup>512</sup> *CSP Scot*, x, no 665.

<sup>513</sup> *ibid.*, nos 778, 779.

<sup>514</sup> *CSP Scot*, xi, no 123, 133. The English ambassador in Scotland, suspected of being party to the second Holyrood raid. He lived in the next lodging to Bothwell when the earl was in Edinburgh, *CSP Scot*, xi, no 129.

<sup>515</sup> *CSP Scot*, x, no 744.

<sup>516</sup> *CSP Scot*, xi, nos 50; HMC, *Marquis of Salisbury*, xiii, 401.

<sup>517</sup> HMC Salisbury, xiii, 101-3.



Lord Zouche	February	1594	- April	1594 <sup>519</sup>
Toby Mathew, dean of Durham	January	1593	- October	1593 <sup>520</sup>
Sir Robert Carey	December	1593 <sup>521</sup>		
Sir Robert Cecil	February	1594	- September	1594 <sup>522</sup>
Captain William Carey	January	1593 <sup>523</sup>		
Mr Archibald Douglas [step-father]	April	1591	- June	1594 <sup>524</sup>
Cuthbert Armourer	April	1591	- July	1593 <sup>525</sup>
Roger Aston	March	1592 <sup>526</sup>		
Francis Graham of the Moat	June	1592	- September	1592 <sup>527</sup>
Thomas Musgrave, captain of Bewcastle	July	1592	- July	1593 <sup>528</sup>
XXXXXX Musgrave, his brother	March	1593	- April	1593 <sup>529</sup>
Henry Locke	February	1593	- August	1594 <sup>530</sup>
Robert Moore [factor]	March	1596 <sup>531</sup>		
Sir John Selby	June	1592 <sup>532</sup>		
Francis Tenant	May	1592	- June	1592 <sup>533</sup>
Henry Woddrington	June	1592 <sup>534</sup>		
	April	1594 <sup>535</sup>		

**Borderers reported to be at the Falkland raid, June 1592**<sup>536</sup> [† = hanged; \* = prisoner]

### Scotsmen

Annandale	Edward Irving of Bonshaw	
	George Irving, his son	
	James Irving, his son	
	Jeffrey Irving, his son	
	Francis Graham of Canonbie (son-in-law of Bonshaw)	*
	Sym Graham of Robwhait	
	Archie Armstrong	
	Hugh Armstrong	
	Davie Armstrong, his brother	
	John Armstrong, his brother	*

<sup>518</sup> *CSP Scot*, xi, no 38; HMC, *Marquis of Salisbury*, xiii, 401. Bothwell, in a letter to Musgrave, concerning Hunsdon, says, 'beseech him [my Lord Chamberlain] that he has no son of whom he may more frankly dispose than of me'

<sup>519</sup> Spottiswoode, ii, 447; Cameron (ed.), *Warrender Papers*, ii, 237.

<sup>520</sup> *CSP Scot*, xi, no 4; Pollen, J H, & MacMahon, H (edd.), *Unpublished Documents Relating to the English Martyrs*, 2 vols (Catholic Record Society, 1908-19), i, 218.

<sup>521</sup> *CSP Scot*, xi, no 179.

<sup>522</sup> *ibid.*, no 347; HMC, *Marquis of Salisbury*, xiii, 401.

<sup>523</sup> *CSP Scot*, xi, no 7.

<sup>524</sup> *CSP Scot*, x, no 666 enc.; HMC, *Marquis of Salisbury*, iv, 205.

<sup>525</sup> *CSP Scot*, x, no 666; xi, no 11, 90; HMC, *Marquis of Salisbury*, xiii, 580.

<sup>526</sup> *CSP Scot*, x, no 666 enc..

<sup>527</sup> *CSP Scot*, x, nos 714, 720; HMC, *Marquis of Salisbury*, iv, 230. Captured by Maxwell following Falkland raid.

<sup>528</sup> *CSP Scot*, x, nos 726, 785; xi, nos 2, 11, 38, 48, 90; HMC, *Marquis of Salisbury*, xiii, 401. In 1593, Musgrave was imprisoned for resetting the earl.

<sup>529</sup> *CSP Scot*, xi, no 48, 54, 55, 59.

<sup>530</sup> *ibid.*, no 25, 50, 147; Spottiswoode, ii, 457; Cameron (ed.), *Warrender Papers*, ii, 257.

<sup>531</sup> *CBP*, ii, no 227 enc., 232. The earl's factor in London.

<sup>532</sup> *CSP Scot*, x, no 720.

<sup>533</sup> HMC, *Marquis of Salisbury*, iv, 202, 205.

<sup>534</sup> *CSP Scot*, x, no 720.

<sup>535</sup> *CBP*, i, p. xxix.

<sup>536</sup> *CSP Scot*, x, nos 729, 730.

	John Armstrong <i>alias</i> Jock o' the Castle	
	William Irving of Gretnahill	
	Davie Johnston of Redhaugh	
	Jock Irving of Steilhill	
	James Johnston of Lowhouse	
	John Johnston of Howgill	
	William Johnston of Kirkhill	
	Richard Bell of Clint	
	William Bateson of Darvington	
	Christie Bateson	
	'Rowie's Christie'	
	John Johnston of Carterie	
	Hector Murray	*
	Andrew Irving	
	'Jenkin's Andrew'	
	Peter Armstrong of Harlaw	
	Andrew Armstrong of Harlaw	†
	Richie Armstrong of Harlaw	*
	Ninian Armstrong	
	Simon Ninian of Whitelieside	
Liddesdale	Sym Armstrong of Whithaugh, younger	
	Andrew Armstrong, his brother	
	Alexander Armstrong of Twedon	†
	Ninian Armstrong	
	'Rowie's Ninian'	†
 <i><u>Englishmen</u></i>		
Bewcastle	Law Forster of the Wick <i>alias</i> 'Edward's Law'	
	'Brown' Adam Forster	†
	David Graham of Sleitbeck, younger	
	Andrew Forster <i>alias</i> 'James's Andrew'	
	James Andrew	
Leven	Will Hetherton on the Bush	
	Sandy Hepe of the Clift	
Esk	Jack Graham of the Peartree	*
	Richie Graham, his brother	
	Wat Graham of the Peartree	
	Robert Graham of the Lake	
	Regie Graham	*
	Christie Graham	
	Robert Graham	
Sark	George Graham, son of William Graham of Millhill	
	Mathew Graham <i>alias</i> 'Young Plump'	*
	Gibbie Graham	†
Liddesdale	'Dick's Davie'	
	Wat Graham, his son	
	Willie Graham, his son	
	Will Graham	
	Sym Graham of the Pitches	
	Rowie Forster of Backstangill	



*Appendix 9: tenants served with instrument of removing, 31 May 1586<sup>1</sup>*

In 1586, Francis Stewart issued a number of instruments of removing against the tenants holding the lands of the baronies of Hailes and Morham. This did not mark any radical change in tenorial patterns within the baronies; instead, it represented an action by the earl to remove his tenants at the old level of rent and re-grant them the same lands at a new level (possibly prior to his expenditure on Crichton Castle). The action came as a final measure, the tenants having ‘failed despite numerous callings to compear and answer to Francis, earl Bothwell, for their lands’. All tenants, servants, cottars, sub-tenants, wives, bairns, families, goods and gear had to be removed. On the whole, it would appear that the tenants concerned (which included some of the earl’s closest associates and even his procurator in the action) eventually accepted the new rents, although some protested concerning their rights and others had to borrow money to meet the increased obligations. While the names of the tenants by themselves are of little importance (only some are able to be definitively linked to the earl’s household), they demonstrate the strength of Bothwell’s estates and the size of individual holdings. What is more significant is they represent the crudest level of local support for the earl - those who paid the rents which allowed Francis Stewart to fulfil his potential at court and in Haddingtonshire.

**Morham Kirk**

Patrick Edington in Morham Kirk	1 husbandland
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**Morham**

John Edington	1 husbandland
Bartholomew Knox	1 husbandland
John Smith	1½ husbandlands
Robert Learmonth	[decayed] - Bothwell’s procurator in the action
Gilbert Dickson	2 lands
Patrick Anderson	1 land
William [decayed]	½ land
William Martin, elder	1½ lands and croft
Thomas Darling	1 land
John Geddes	1 cotland
Patrick Crawford	1 pennyland and the Hauch

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<sup>1</sup> SC40/7/4 ff. 61v-63v.

**Mainshill**

William Martin	2 lands and 2 part lands
Alexander Cady	2 lands
Agnes [blank]	2 part lands

**Over Hailes**

Robert Hepburn	all lands thereof - Bothwell's master of the household
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**Traprain**

Janet Arnot	5 husbandlands
James Johnston	3 husbandlands
George Arnot	2 lands
Thomas White	3 lands
Adam Harlaw	2½ lands
William Davie	2 lands and 2 part lands
William Hog	2 lands
James Welands	2 lands
George Irving	2½ lands
Steven Raeburn	1½ lands
Bartholomew Johnston	1½ lands
Adam Johnston	1 land
Elizabeth Johnston	2 lands
William Maislet	2 lands
John White, younger	1 land and 2 part lands

**Markle**

William Learmonth	2 lands
William Maislet	2 lands
Andrew Hog	2 lands
Thomas White	1½ lands
William Newlands	1 land
John Westoun	½ land
Mungo Lindsay	½ land
Humphray Richardson	½ land

**Markle Meadow**

William Keir
William Wilson
John Blackburn
Adam Downie
Adam Charteris
Robert Goodfellow
Robert Watson
William Hog

**Hailes Mill**

Sir Patrick Hepburn of Waughton
Margaret Home, relict of William Hepburn of Gilmerton
Mr Patrick Hepburn, apparent of Gilmerton
William Hepburn
Agnes Wilson, his mother

**Stoneypath Mill**

George Lyle
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*Appendix 10: age structure of the Scottish nobility, 1488-1603*

In his thesis on James VI's middle rank administrators, Ried Zulager examined the concept that the 'new' men of Jacobean government were, in many respects, adjuncts to the higher ranks of nobility.<sup>1</sup> They fulfilled a closely defined rôle which was largely unthreatening to the traditional power brokers. These 'middling men' received rich rewards in terms of patronage and land but even the greatest of them, John Maitland of Thirlestane, could still be viewed as a 'mere puddock stool of the night' compared to the 'ancient cedars' of the older nobility.<sup>2</sup> In all the studies of magnatial politics in sixteenth century Scotland, one aspect has been sadly neglected. Although it has been noticed that the court around James VI formed a 'brat-pack' of young, ambitious noblemen who were, by and large contemporaries with the king himself, few solid figures have been provided to reinforce this assertion and little explanation has been attempted as to why this should be the case.

The adult reign of James V [1528-42] had seen the creation of no new nobles of comital rank. The short personal reign of Mary [1561-7] likewise had seen minimal creations of new nobility – James Stewart, the queen's half-brother had received firstly the earldom of Mar and then the earldom of Moray; Henry Stewart, the queen's second husband received the dukedom of Albany and earldom of Ross; James Hepburn, the queen's third husband received the dukedom of Orkney; and John Erskine finally recovered comital dignity as earl of Mar following years of disputed title. Following the usurpation of the earl of Morton's supremacy by Esmé Stewart in 1580 a rash of new creations followed. Esmé himself was created earl (and subsequently duke) of Lennox; Robert Stewart was created earl of March (a title which had not existed since 1435); another Robert Stewart, the only surviving illegitimate uncle of the king, had his position in Orkney and Shetland strengthened by a comital grant; Francis Stewart, the king's cousin twice over, was confirmed in the earldom

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<sup>1</sup> Zulager, R R, *A Study of the Middle-rank Administrators in the Government of King James VI of Scotland, 1580-1603* (Ph.D., Aberdeen, 1991).

<sup>2</sup> *CSP Scot*, x, no 669; *HMC, Marquis of Salisbury*, iv, 202; *Calderwood*, v, 149-56.

of Bothwell; James Stewart, who had informed on regent Morton, was created earl of Arran in place of the mad holder of the title; the dignity of Morton was conferred on John, ninth lord Maxwell (the husband of one of the heiresses); and the realm's treasurer, William, lord Ruthven, was raised to comital status as the earl of Gowrie (the only totally new creation). This one eighteen month burst of activity apart, the ranks of the upper nobility could be said to contain the same members in 1581 as they had half a century earlier.

It is unsurprising therefore, that the period 1581-95 saw a pronounced change in the type of person advising the monarch. Part of this was due to the fact that so many of the higher ecclesiastics refused to abandon the catholic faith and either fled abroad or faded into political obscurity. Lack of experience among other sectors of the traditional supporters of the Scottish monarchy also caused problems however. Those holding comital dignity within Scotland had seen a large proportion of their number - those who had been the supports for the reigns of James V and Mary, and their respective regencies - die in the decade after 1569. This quickly hit at the pool of experience available to the adolescent monarch. The quick deaths of regents Moray, Lennox and Mar were only the tip of an increasingly prominent iceberg. By 1581, the average age of the nobility had fallen to a sixty-six year low. Indeed, the last time the nobility had had such a pronounced lack of maturity and experience was in 1514 - immediately following the battle of Flodden. By 1587 - when James reached his majority and issued the second of his five revocations - the situation had worsened year-on-year, so that the average age of the nobility was twenty-six compared with thirty-one immediately post-Flodden. Whilst the lack of maturity following Flodden was the cause of much gnashing of teeth, the situation following the death of Morton in 1581 excited little contemporary comment - perhaps because there were more pressing concerns. James however was aware of the circumstances and tried to augment his advisors with 'middling men'. The first rank were depleted, but the second



rank - the lords - were not. From 1567 until 1595, it is noticeable that the 'experience gap' witnessed by their more illustrious peers is nowhere evident amongst them.

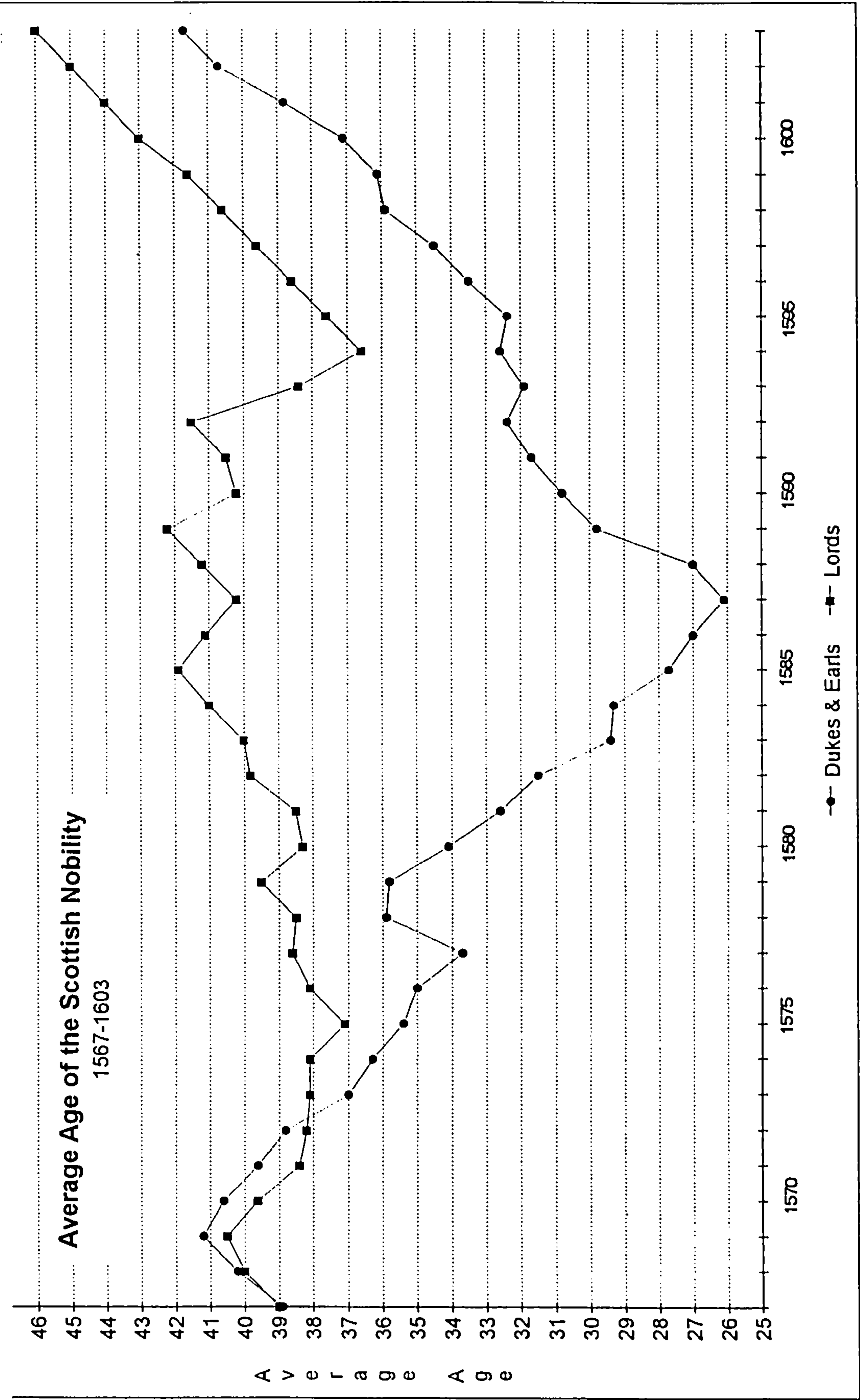
It is therefore less surprising that in 1587, James was able to install John Maitland of Thirlestane as the first non-noble or ecclesiastical chancellor of the realm - quite a dramatic move for a traditionalist. This puts into perspective Wormald's assertion that 'he [James] relied, or wanted to rely, primarily on his nobles'.<sup>3</sup> In short, James did not, because he could not. In 1587, James also allowed lesser barons to be represented in parliament - again they filled a vacuum created by the lack of experienced upper nobility. It has been noted that the prominent comital counsellors of James - Mar, Huntly, Lennox, Angus and, for that matter, Bothwell - were all of similar age to James or younger. This is not a reflection of a positive policy to promote youthful vigour - it was the only option.

Therefore, when it came to deciding who should accept responsibility when the king was abroad, the picking of an 'elder statesman' was not a viable option (especially when previous attendance at privy council was taken into account).<sup>4</sup> If it is accepted that, when choosing someone to govern in conjunction with the duke of Lennox (aged fifteen), the king could hardly select someone younger, nor could he chose a noted catholic, there were only a limited number of options available. Of these, a large number regularly did not attend court or the organs of central administration. James was left with the choice of three noblemen of whom earl Marischal was already playing a prominent rôle in Denmark; John, earl of Mar, was pronouncedly pro-English; and Francis, earl Bothwell, was his cousin and already an officer of state.

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<sup>3</sup> Wormald, *Court, Kirk and Community*, 151.

<sup>4</sup> Of the mature protestant (or neutral) nobles, Rothes (aged 59) had attended six councils between 1586 and 1589; Angus (57), seven; Orkney (56), none; Arran (51), none; Morton (49), nine; Sutherland (37), two; Marischal (36), thirteen; Moray (28), none; Mar (27), forty-nine; Bothwell (26), twenty-three; Atholl (26), eight; and Caithness (23), five, *RPC*, iv, *passim*..





Appendix 11: Opponents of Bothwell 1591-5

While Bothwell had a wide range of adherents, James also was aware of the need to establish a body of support. This he did in a more formal fashion than Bothwell, getting prominent political figures to subscribe bonds against the resetting of the earl or his supporters. The names on the first three list are, predominantly borderers (stressing where James perceived the greatest danger) while the names on the third (dating from two years later) are mainly drawn from the upper nobility. These bonds express the theory of loyalty - some signatures were extracted under the threat of a fine of £6, 666 13s 4d - and men who were also known to favour Bothwell at some point during 1591-5 are marked (\*).

	6 July 1591 <sup>1</sup>	5 August 1591 <sup>2</sup>	6 August 1591 <sup>3</sup>	1 May 1593 <sup>4</sup>
duke of Lennox*				✓
earl of Argyll*				✓
earl of Morton*				✓
earl of Mar*				✓
lord Home				✓
lord Lindsay of the Byres				✓
lord Seton*				✓
master of Glamis*				✓
commendator of Blantyre				✓
commendator of Lincluden				✓
commendator of Melrose				✓
commendator of Newbattle				✓
Bass (Lauder)		✓	✓	✓
Beanston (Hepburn)		✓		
Bedroull (Turnbull)		✓	✓	
Belchester (Dixon)			✓	
Billie (Renton)		✓	✓	
Bonjedburgh (Douglas)	✓	✓		
Broxmouth (Home)			✓	
Buccleuch (Scott)			✓	
Buchtrig (Dixon)			✓	
Buckum (Hoppringle)	✓			
Cavers (Douglas)			✓	
Cesford (Ker)	✓	✓	✓	
Congilton (Congilton)		✓		
East Nisbet (Home)		✓		

<sup>1</sup> *RPC*, iv, 648.  
<sup>2</sup> *CSP Scot*, x, no 598 enc.; Rymer (ed.), *Fædera*, xvi, 110.  
<sup>3</sup> *RPC*, iv, 666.  
<sup>4</sup> *CSP Scot*, xi, no 57; *RPC*, v, 72.

	6 July 1591	5 August 1591	6 August 1591	1 May 1593
Edmonston (James Edmonston)	✓			
Ernislaw (Garden)			✓	
Fawdonside (Ker)	✓	✓		
Freinton		✓		
Gateshaw (Ker)	✓			
Greenhead (Andrew Ker)	✓			
Harlwood		✓		
Hermiston		✓		
Hundlie (Rutherford)		✓		
Hunthill (Rutherford)		✓		
Huttonhall (Home)		✓		
Innerwick (Hamilton)		✓		
Keirton (Trotter)			✓	
Linton (Ker)	✓		✓	
Littledean (Ker)	✓			
Makerston (MacDowall)	✓			
Mains (Douglas)			✓	
Mersington (Ker)	✓			
Minto (Turnbull)	✓	✓		
North Berwick (Home)		✓		
Prenderguest (Home)		✓		
Renton (Home)		✓		
Saltcoats		✓		
Samuelston (Hamilton)		✓		
Smcaton (Hepburn)		✓		
Spott (Home)		✓		
Sutherlandhall	✓			
Swinton		✓		
Torrance (Hoppringle)	✓			
Traquair (Stewart)				✓
Wauchope (Turnbull)			✓	
Wedderburn (Home)		✓		
Westfortune (Hepburn)		✓		
West Nisbet (Home)			✓	
Whitbank (Hoppringle)	✓			
Ayton, younger		✓		
Blackadder, younger		✓		
Hunthill, younger	✓			
Sir George Home				✓
Sir William Keith				✓
James Brownfield		✓		
James Cockburn				✓
Richard Cockburn				✓
Patrick Dixon		✓		
Alexander Dixon			✓	
John Edmonston			✓	
William Ford			✓	
John Garden			✓	
Haitlic in Hordlaw			✓	
Alexander Home				✓
George Home				✓
James Redpath			✓	
John Redpath		✓		
William Redpath			✓	
John Rutherford			✓	



Reported musters/raids by Bothwell against James VI

	Alleged date	Proposed action	Actual action	Notes
i	2 September 1591	capture James between Stirling and Falkland	none	1
ii	3 October 1591	submit to James while he was in Fife	Lennox prevented his easy access to Fife	2
iii	27 December 1591	enter Holyrood with 60+ men and submit to James	first Holyrood raid	3
iv	28 March 1592	capture James	none	4
v	20 June 1592	capture James	none	5
vi	27 June 1592	capture James with around 400 horse	Falkland raid	6
vii	18 July 1592	capture James at sea when crossing to Fife	discovered	7
viii	20 July 1592	capture James at Crammond with 180 horse	discovered	8
ix	24 July 1592	second attempt on Falkland with 200 horse+	none - James left Falkland	9
x-xii	summer 1592	three attempts to capture the king in Dalkeith	none	10
xiii	6 August 1592	sundry men to meet in arms near Dunfermline	none	11
xiv	3 February 1593	crossed border 'accompanied with good forces'	repaired to Edinburgh and then departed again	12
xv	20 February 1593	capture James on his journey to Aberdeen	none	13
xvi	21 July 1593	put on a false beard and submit before parliament	none	14

<sup>1</sup> CSP Scot, x, no 607.

<sup>2</sup> *ibid.*, no 613. Bothwell went to Fife with only five servants.

<sup>3</sup> *ibid.*, no 639 enc..

<sup>4</sup> *ibid.*, no 675.

<sup>5</sup> *ibid.*, no 702.

<sup>6</sup> *ibid.*, no 706.

<sup>7</sup> *ibid.*, no 721.

<sup>8</sup> *ibid.*, no 721.

<sup>9</sup> *ibid.*, nos 722, 723, 724, 725.

<sup>10</sup> *ibid.*, no 734. Revealed by the laird of Logie when he was captured in August 1592; his relationship with one of the queen's chamber was to assist Bothwell in gaining access to the king.

<sup>11</sup> *ibid.*, no 733.

<sup>12</sup> CSP Scot, xi, nos 18, 24, 31. Bothwell claimed this was a muster to oppose John Carmichael who had gathered forces and travelled to Liddesdale to attempt to kill him.

<sup>13</sup> *ibid.*, no 31.

xvii	24 July 1593	submission before the king	second Holyrood raid - access gained to James	15
xviii	15 March 1594	march to Edinburgh to publish causes of actions	none	16
xix	01 April 1594	500 men available at Moss Tower to counter Home	Home dissolved his troops and entered negotiations	17
xx	03 April 1594	submit to James with 600-650 horse	Raid of Leith - James's forces routed	18
xxi	1 July 1594	capture James between Stirling and Edinburgh	Edinburgh muster prevented	19
xxii	14 September 1594	capture James and kill 33 courtiers	both parts failed with many apprehended	20
xxiii	26 November 1594	capture James	none	21

### Reported musters/raids by Bothwell against James VI

Muster Roll codes: 0 = no specific muster; 1 = whole realm; 2 = shires of Linlithgow, Edinburgh, Haddington, Berwick, Selkirk, Peebles, Roxburgh; 3 = shires of Berwick, Selkirk, Peebles and Roxburgh; 4 = town of Edinburgh; 5 = king's guard; 6 = shires of Linlithgow, Edinburgh and Haddington; 7 = shires of Linlithgow, Edinburgh, Haddington, Berwick, Selkirk, Peebles, Roxburgh, Perth, Menteith, Strathearn.

	Proposed date	Span (in days)	Actual dates	Led by	Initial destination	Muster Roll	Notice given	Numbers reported	Notes
a	01/07/1591	15	02/07/1591	James	Kelso	2	7 days	'very slenderly accompanied'	22
b	06/08/1591	0	abandoned	James	Morham/Kelso	2	4 days	3,000	23
c	c17/09/1591	?	abandoned	James	Atholl	?	-	-	24
d	18/10/1591	1	18/10/1591	James	Leith	5	Nil	8	25

<sup>14</sup> CSP Scot, xi, no 94.

<sup>15</sup> *ibid.*, no 98.

<sup>16</sup> *ibid.*, nos 224, 234.

<sup>17</sup> *ibid.*, no 237.

<sup>18</sup> *ibid.*, no 237.

<sup>19</sup> *ibid.*, no 282.

<sup>20</sup> *ibid.*, no 360.

<sup>21</sup> *ibid.*, no 366.

<sup>22</sup> CSP Scot, x, nos 581, 586; Calderwood, v, 132-3; Rymer (ed.), *Fædera*, xvi, 100.

<sup>23</sup> CSP Scot, x, no 598; CBP, i, no 723; RPC, iv, 668; Rymer (ed.), *Fædera*, xvi, 108. Bothwell had already left Morham and ridden for Kelso and then Caithness.

Rae considers this a recall of (a) Rae, *Administration of the Scottish Frontier*, 267-8.

<sup>24</sup> CSP Scot, x, no 609. Bothwell became aware of the planned raid.

<sup>25</sup> *ibid.*, no 616.



e	c26/01/1592	1	c26/01/1592	James	Haddington	?	Nil	500	26
f	c01/02/1592	1	c01/02/1592	Lennox/Huntly	Dumbarton	5?	Nil	100 horse	27
g	02/03/1592	4	02/03/1592	James	Dumbarton	?	3 weeks	?	28
h	07/04/1592	?	07/04/1592	James	Broughty	?	Nil	?	29
i	18/04/1592	3	17-20/04/1592	James	Perth/Dundee	?	?	?	30
j	06/07/1592	10	06-16/07/1592	James	Dumfries	?	?	?	31
k	18/07/1592	1	18/07/1592	James	Firth of Forth	?	Nil	300 shot plus noble retainues	32
l	24/07/1592	?	24/07/1592	James	Edinburgh	6	Nil	?	33
m	29/07/1592	1	29/07/1592	Lennox/Home	Linlithgow	?	Nil	?	34
n	07/09/1592	?	07/09/1592	James	Kelso	?	?	100 harbusquiers from Edinburgh	35
o	25/09/1592	?	postponed	James	Jedburgh	?	?	-	36
p	10/10/1592	?	10/1592	James	Jedburgh	?	?	2-3,000; cast down houses	37
q	03/11/1592	?	03/11/1592	?	Edinburgh	?	?	?	38
r	01/02/1593	?	01/02/1593	Carmichael	Liddesdale	?	?	'a great number of unfriends'	39
s	03/02/1593	1	03/02/1593	provost	Edinburgh	4	Nil	200 armed men	40
t	16/02/1593	1	16/02/1593	Lennox	Penicuik	6	Nil	?	41
u	c21/07/1593	?	c21/07/1593	Nicholas Udward	Edinburgh	4	Nil	?	42

<sup>26</sup> *ibid.*, no 652; HMC, *Marquis of Salisbury*, iv, 177. James fell into the River Tyne.

<sup>27</sup> *CSP Scot*, x, nos 654, 655; Gordon (ed.), *Records of Aboyne*, 515.

<sup>28</sup> *CSP Scot*, x, nos 658, 660.

<sup>29</sup> Calderwood, v, 149.

<sup>30</sup> *CSP Scot*, x, no 678.

<sup>31</sup> *ibid.*, nos 712, 718, 721. Also to pursue justice on the west border.

<sup>32</sup> *ibid.*, no 721. Mustered to prevent Bothwell's planned attack on the king at sea; Bothwell, betrayed, abandoned the plan.

<sup>33</sup> *ibid.*, no 725 enc.. To be mustered as long as necessary to counter the current threat of Bothwell.

<sup>34</sup> *ibid.*, no 726.

<sup>35</sup> *ibid.*, no 749; Calderwood, v, 177.

<sup>36</sup> HMC, *Marquis of Salisbury*, iv, 230; Elliot, *Border Elliots*, 152.

<sup>37</sup> *CSP Scot*, x, no 755; Spottiswoode, ii, 424; Elliot, *Border Elliots*, 152.

<sup>38</sup> Calderwood, v, 178.

<sup>39</sup> *CSP Scot*, xi, no 31.

<sup>40</sup> Calderwood, v, 222.

<sup>41</sup> *CSP Scot*, xi, no 28; Rymer (ed), *Fædera*, xvi, 193; Calderwood, v, 222.

v	12/10/1593	18+	12-30/10/1593	James	Kelso	?			43
w	14/10/1593	1	abandoned	Master of Glamis	Edinburgh	?	Nil	?	44
x	30/10/1593	1	30/10/1593	North Berwick	Edinburgh	?	Nil	?	45
y	c27/01/1594	0	abandoned	James	Borders	?	-	-	46
z	c17/03/1594	?	c17/03/1594	North Berwick	Edinburgh	4	2 weeks	'a strong watch'	47
A	01/04/1594	1	01/04/1594	Home	Borders	3	2 days	1,200	48
B	05/04/1594	3	01-03/04/1594	James	Leith	7	4 days	1,000+ horse; 2,000+ foot	49
C	c11/04/1594	0	abandoned	James	Carfrae	4	-	-	50
D	11/04/1594	20+	11-30/04/1594	James	Burntisland	5	Nil	'part of his guard'	51
E	30/06/1594	1	30/06/1594	North Berwick	Edinburgh	4	Nil	?	52
F	c25/08/1594	1	c25/08/1594	Home	Fife	5	Nil	'some horse'	53
G	14/09/1594	?	14/09/1594	provost	Edinburgh/Leith	4+	?	?	54
H	02/11/1594	0	abandoned	James	Caithness	?	-	-	55
I	26/11/1594	0	abandoned	James	Douglas	?	-	-	56

<sup>42</sup> CSP Scot, xi, no 94. A preventative measure to protect James from a suspected raid by Bothwell. Udward was provost of Edinburgh.

<sup>43</sup> *ibid.*, nos 148, 155 enc., 167. At Fala, the earls of Huntly, Erroll and Angus submitted to the king.

<sup>44</sup> *ibid.*, no 154. Glamis meant to take Bothwell in his lodging but Bothwell, made aware of the situation, left Edinburgh.

<sup>45</sup> *ibid.*, no 167. The provost of Edinburgh made a search of Edinburgh for Bothwell on Hallowe'en (which was surely not co-incidental).

<sup>46</sup> *ibid.*, no 214. Bothwell was informed of the raid and James abandoned the idea.

<sup>47</sup> *ibid.*, no 234. To counter the threat of Bothwell's march on Edinburgh, see above, no xviii. Alexander Home, gudeman of North Berwick, was provost of Edinburgh.

<sup>48</sup> RPC, v, 138; CSP Scot, xi, nos 234a, 237.

<sup>49</sup> CSP Scot, xi, no 237; RPC, v, 138; Calderwood, v, 295-8. The raid of Leith - James's forces routed. A number of the horse had previously been on the border raid with Home.

<sup>50</sup> CSP Scot, xi, no 245.

<sup>51</sup> *ibid.*, no 245, 257. Nightly raids in Fife to attack and capture Bothwell supporters.

<sup>52</sup> CSP Scot, xi, no 282.

<sup>53</sup> CSP Scot, xi, no 343.

<sup>54</sup> CSP Scot, xi, no 360. Stronger order taken in defending Edinburgh and Leith than ever before.

<sup>55</sup> CSP Scot, xi, no 399. Following James's prosecution of Huntly and the Catholic lords, he intended to go to Caithness and pursue Bothwell but withdrew instead to Edinburgh.

<sup>56</sup> CSP Scot, xi, no 408. Abandoned as Angus and Bothwell had already left for Caithness and the troops could not be paid, CSP Scot, xi, nos 408, 420.



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CS1-7

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Register of the Privy Seal

RD1

Register of Deeds

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Records of the Sheriff Court of Edinburghshire

SC40

Records of the Sheriff Court of Haddingtonshire

SP13

State Papers, Miscellanea

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GD6

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Boyd Papers

GD10

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Inventory of Leven and Melville Muniments

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Inventory of Shairp of Houstoun Muniments

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**National Register of Archives (Scotland)**

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